



LEGISLATIVE COMMITTEE MEETING

AGENDA

Doubletree Hotel – Ontario
222 North Vineyard Avenue
Ontario, CA 91764

August 29, 2012

Wednesday, August 29, 2012, 3:00 pm – 4:00 pm

7.0 Review and Accept Minutes:

- October 12, 2011

7.1 Adopt/Modify Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board introduced during the 2011-2012 Legislative Session.

Assembly Bills

AB 1434	AB 2296
AB 1588	AB 2348
AB 1896	AB 2462
AB 1904	AB 2561
	AB 2570

AJR 24

Senate Bills

SB 98	SB 1365
SB 122	SB 1524
SB 623	

7.2 Public Comment for Items Not on the Agenda

NOTICE:

All times are approximate and subject to change. Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. The meeting may be canceled without notice. For verification of the meeting, call (916) 574-7600 or access the Board's Web Site at <http://www.rn.ca.gov>. Action may be taken on any item listed on this agenda, including information only items.

Public comments will be taken on agenda items at the time the item is heard. Total time allocated for public comment may be limited.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Administration Unit at (916) 574-7600 or email webmasterbrn@dca.ca.gov, or send a written request to the Board of Registered Nursing at 1747 N. Market Blvd., Ste. 150, Sacramento, CA 95834. (Hearing impaired: California Relay Service: TDD phone # (916) 322-1700). Providing your request at least five (5) business days before the meeting will help to ensure the availability of the requested accommodation.

Board members who are not members of this committee may attend meetings as observers only, and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum.



**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
MEETING MINUTES**

DATE: October 12, 2011

TIME: 3:00 p.m.-4:00 p.m.

LOCATION: Hilton San Diego Mission Valley
901 Camino del Rio South
San Diego, California 92108

MEMBERS PRESENT: Erin Niemela
Douglas Hoffner
Dian Harrison

STAFF PRESENT: Louise Bailey, Executive Officer
Kay Weinkam, NEC, Staff Liaison

The meeting was called to order at 3:00 p.m. by Ms. Niemela

1.0 Review and Approve Minutes:

➤ August 10, 2011

The minutes of August 10, 2011, were approved.

1.1 Adopt/Modify Positions on Bills of Interest to the Board

AB 1424 Perea: Franchise Tax Board: delinquent tax debt
Committee Position: Oppose unless amended

SB 100 Price: Healing Arts
Committee Position:

SB 161 Huff: Schools: Emergency Medical Assistance: administration of epilepsy medication
Committee Position: Oppose

SB 538 Price: Nursing
Committee Position: Continue support and sponsorship

SB 541 **Price: Regulatory boards: expert consultants**
Committee Position: Support

SB 747 **Kehoe: Continuing Education: Lesbian, gay, bisexual, and transgender patients**
Committee Position: Oppose

SB 943 **Committee on Business, Professions and Economic Development: Healing Arts**
Committee Position: Support

1.2 Information Only: Federal Legislation of Interest to the Board

1.3 Public Comment for Items Not on the Agenda
No comments offered.

The meeting was adjourned at 3:20 p.m.

Submitted by: _____
Kay Weinkam, Nursing Education Consultant

Approved by: _____
Erin Niemela, Chair

BOARD OF REGISTERED NURSING
Legislative Committee
Agenda Item Summary

AGENDA ITEM: 7.1
DATE: August 29, 2012

ACTION REQUESTED: Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board introduced during the 2011-2012 Legislative Session.

REQUESTED BY: Erin Niemela, Chairperson
Legislative Committee

BACKGROUND:

<u>Assembly Bills</u>		<u>Senate Bills</u>	
AB 1434	AB 2296	SB 98	SB 1365
AB 1588	AB 2348	SB 122	SB 1524
AB 1896	AB 2462	SB 623	
AB 1904	AB 2561		
	AB 2570		
	AJR 24		

NEXT STEP: Place on Board Agenda

FINANCIAL IMPLICATION, IF ANY: None

PERSON TO CONTACT: Kay Weinkam, M.S., RN, CNS
Nursing Education Consultant
(916) 574-7680

**BOARD OF REGISTERED NURSING
ASSEMBLY BILLS 2011-2012
August 29, 2012**

BILL #	AUTHOR	SUBJECT	COMM POSITION	BOARD POSITION	BILL STATUS
AB 30	Hayashi	Health facilities: security plans	--	Support	Inactive
AB 40	Yamada	Elder abuse: reporting	--	Watch	Senate Appropriations
AB 661	Block	Public postsecondary education: community college districts: baccalaureate degree pilot program	Watch	Watch	Inactive
AB 675	Hagman	Continuing education	--	Oppose	Inactive
AB 888	Pan	Pupil health: School Medication Authorization Task Force	--	--	Inactive
AB 958	Berryhill	Regulatory boards: limitations periods	--	--	Inactive
AB 1424	Perea	Franchise Tax Board: delinquent tax debt	--	Oppose	Chapter 455, Statutes 2011
AB 1434	Feuer	Child abuse reporting: mandated reporters			Senate, 3rd Reading
AB 1588	Atkins	Professions and vocations: reservist licensees: fees and continuing education			Senate
AB 1896	Chesbro	Tribal health programs: health practitioners			Chapter 119, Statutes 2012
AB 1904	Block	Professions and vocations: military spouses			Senate
AB 2296	Block	California Private Postsecondary Education Act of 2009			Senate, 2nd Reading
AB 2348	Mitchell	Registered nurses: dispensation of Drugs			Senate, 3rd Reading
AB 2462	Block	Public postsecondary education: academic credit for prior military academic experience			Senate, 3rd Reading
AB 2561	Hernández, R	Certified surgical technologists			Senate, 3rd Reading
AB 2570	Hill	Licensees: settlement agreements			Senate, 3rd Reading
AJR 24	Bonilla	Proposed federal Student-to-School Nurse Ratio Improvement Acts of 2011 and 2012			Resolutions, Chapter 55, Statutes of 2012

Bold denotes a bill which was amended subsequent to the Board's position or is a new bill for Board consideration.

**BOARD OF REGISTERED NURSING
SENATE BILLS 2011-2012
August 29, 2012**

BILL #	AUTHOR	SUBJECT	COMM POSITION	BOARD POSITION	BILL STATUS
SB 65	Strickland	Pupil health: prescription pancreatic enzymes	--	Watch	Inactive
SB 98	Senate Committee on Budget and Fiscal Review	Nursing			Chapter 4, Statutes of 2012
SB 100	Price	Healing Arts	--	Watch	Chapter 645, Statutes of 2011
SB 122	Price	Healing Arts		Support	Assembly, 3rd Reading
SB 161	Huff	Schools: Emergency Medical Assistance: administration of epilepsy medication	Oppose	Oppose	Chapter 560, Statutes of 2011
SB 393	Hernandez, E	Medical homes	--	--	Assembly, Third Reading
SB 538	Price	Nursing	Support	Support	Vetoed
SB 541	Price	Regulatory boards: expert consultants	Support	Support	Chapter 339, Statutes of 2011
SB 544	Price	Professions & Vocations: regulatory boards	--	--	Inactive
SB 623	Kehoe	Public health: health workforce projects			Assembly, 3rd Reading
SB 747	Kehoe	Continuing education: lesbian, gay, bisexual, and transgender patients	Oppose	Oppose	Vetoed
SB 943	Price	Healing Arts	--	Support	Chapter 350 Statutes of 2011
SB 1365	Negrete McLeod	Emergency medical services: immunity			Chapter 69 Statutes of 2012
SB 1524	Hernandez, E	Nurse practitioners			Senate

Bold denotes a bill which was amended subsequent to the Board's position or is a new bill for Board consideration.

BOARD OF REGISTERED NURSING

Legislative Update

August 29, 2012

Bill Analysis

AUTHOR:	Feuer	BILL NUMBER:	AB 1434
SPONSOR:	Children's Advocacy Institute	BILL STATUS:	Senate Floor
SUBJECT:	Child abuse reporting: mandated reporters.	DATE LAST AMENDED:	6/25/12

SUMMARY:

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine.

ANALYSIS:

This bill would add employees of a public or private institution of higher education, as to child abuse or neglect occurring on that institution's premises, to the list of individuals who are mandated reporters.

Amended analysis of 3/14/12:

This bill amendment would add child abuse or neglect occurring at an official activity of, or program conducted by, the institution.

Amended analysis of 6/25/12:

This bill amendment would also add administrators of a public or private postsecondary institution of higher education, whose duties bring the administrator or employee into contact with children on a regular basis or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, to the list of individuals who are mandated reporters.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

California Narcotic Officers' Association
California Police Chiefs Association
California Probation, Parole and Correctional Association
California Protective Parents Association
California State Sheriffs' Association
Child Abuse Prevention Center
Crime Victims Action Alliance

Crime Victims United of California
Peace Officers of California
University of California

OPPOSE:

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN ASSEMBLY MARCH 14, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1434

Introduced by Assembly Member Feuer

January 4, 2012

An act to amend Section 11165.7 of the Penal Code, relating to child abuse reporting.

LEGISLATIVE COUNSEL'S DIGEST

AB 1434, as amended, Feuer. Child abuse reporting: mandated reporters.

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine.

This bill would add employees *and administrators* of a public or private *postsecondary* institution ~~of higher education~~, *whose duties bring the administrator or employee into contact with children on a regular basis or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis*, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution, to the list of individuals who are mandated reporters.

By imposing the reporting requirements on a new class of persons, for whom failure to report specified conduct is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11165.7 of the Penal Code is amended
2 to read:
3 11165.7. (a) As used in this article, “mandated reporter” is
4 defined as any of the following:
5 (1) A teacher.
6 (2) An instructional aide.
7 (3) A teacher’s aide or teacher’s assistant employed by any
8 public or private school.
9 (4) A classified employee of any public school.
10 (5) An administrative officer or supervisor of child welfare and
11 attendance, or a certificated pupil personnel employee of any public
12 or private school.
13 (6) An administrator of a public or private day camp.
14 (7) An administrator or employee of a public or private youth
15 center, youth recreation program, or youth organization.
16 (8) An administrator or employee of a public or private
17 organization whose duties require direct contact and supervision
18 of children.
19 (9) Any employee of a county office of education or the State
20 Department of Education, whose duties bring the employee into
21 contact with children on a regular basis.
22 (10) A licensee, an administrator, or an employee of a licensed
23 community care or child day care facility.
24 (11) A Head Start program teacher.
25 (12) A licensing worker or licensing evaluator employed by a
26 licensing agency as defined in Section 11165.11.
27 (13) A public assistance worker.

1 (14) An employee of a child care institution, including, but not
2 limited to, foster parents, group home personnel, and personnel of
3 residential care facilities.

4 (15) A social worker, probation officer, or parole officer.

5 (16) An employee of a school district police or security
6 department.

7 (17) Any person who is an administrator or presenter of, or a
8 counselor in, a child abuse prevention program in any public or
9 private school.

10 (18) A district attorney investigator, inspector, or local child
11 support agency caseworker unless the investigator, inspector, or
12 caseworker is working with an attorney appointed pursuant to
13 Section 317 of the Welfare and Institutions Code to represent a
14 minor.

15 (19) A peace officer, as defined in Chapter 4.5 (commencing
16 with Section 830) of Title 3 of Part 2, who is not otherwise
17 described in this section.

18 (20) A firefighter, except for volunteer firefighters.

19 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
20 resident, intern, podiatrist, chiropractor, licensed nurse, dental
21 hygienist, optometrist, marriage and family therapist, clinical social
22 worker, professional clinical counselor, or any other person who
23 is currently licensed under Division 2 (commencing with Section
24 500) of the Business and Professions Code.

25 (22) Any emergency medical technician I or II, paramedic, or
26 other person certified pursuant to Division 2.5 (commencing with
27 Section 1797) of the Health and Safety Code.

28 (23) A psychological assistant registered pursuant to Section
29 2913 of the Business and Professions Code.

30 (24) A marriage and family therapist trainee, as defined in
31 subdivision (c) of Section 4980.03 of the Business and Professions
32 Code.

33 (25) An unlicensed marriage and family therapist intern
34 registered under Section 4980.44 of the Business and Professions
35 Code.

36 (26) A state or county public health employee who treats a minor
37 for venereal disease or any other condition.

38 (27) A coroner.

39 (28) A medical examiner, or any other person who performs
40 autopsies.

(29) A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, “commercial film and photographic print processor” means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.

(30) A child visitation monitor. As used in this article, “child visitation monitor” means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) “Animal control officer” means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) “Humane society officer” means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, “clergy member” means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(34) Any employee of any police department, county sheriff’s department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.

(36) A custodial officer as defined in Section 831.5.

(37) Any person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an “alcohol and drug counselor” is a person providing counseling,

1 therapy, or other clinical services for a state licensed or certified
2 drug, alcohol, or drug and alcohol treatment program. However,
3 alcohol or drug abuse, or both alcohol and drug abuse, is not in
4 and of itself a sufficient basis for reporting child abuse or neglect.

5 (39) A clinical counselor trainee, as defined in subdivision (g)
6 of Section 4999.12 of the Business and Professions Code.

7 (40) A clinical counselor intern registered under Section 4999.42
8 of the Business and Professions Code.

9 (41) An employee *or administrator* of a public or private
10 ~~postsecondary institution of higher education~~, *whose duties bring*
11 *the administrator or employee into contact with children on a*
12 *regular basis, or who supervises those whose duties bring the*
13 *administrator or employee into contact with children on a regular*
14 *basis*, as to child abuse or neglect occurring on that institution's
15 premises or at an official activity of, or program conducted by, the
16 institution. *Nothing in this paragraph shall be construed as altering*
17 *the lawyer-client privilege as set forth in Article 3 (commencing*
18 *with Section 950) of Chapter 4 of Division 8 of the Evidence Code.*

19 (b) Except as provided in paragraph (35) of subdivision (a),
20 volunteers of public or private organizations whose duties require
21 direct contact with and supervision of children are not mandated
22 reporters but are encouraged to obtain training in the identification
23 and reporting of child abuse and neglect and are further encouraged
24 to report known or suspected instances of child abuse or neglect
25 to an agency specified in Section 11165.9.

26 (c) Employers are strongly encouraged to provide their
27 employees who are mandated reporters with training in the duties
28 imposed by this article. This training shall include training in child
29 abuse and neglect identification and training in child abuse and
30 neglect reporting. Whether or not employers provide their
31 employees with training in child abuse and neglect identification
32 and reporting, the employers shall provide their employees who
33 are mandated reporters with the statement required pursuant to
34 subdivision (a) of Section 11166.5.

35 (d) School districts that do not train their employees specified
36 in subdivision (a) in the duties of mandated reporters under the
37 child abuse reporting laws shall report to the State Department of
38 Education the reasons why this training is not provided.

1 (e) Unless otherwise specifically provided, the absence of
2 training shall not excuse a mandated reporter from the duties
3 imposed by this article.

4 (f) Public and private organizations are encouraged to provide
5 their volunteers whose duties require direct contact with and
6 supervision of children with training in the identification and
7 reporting of child abuse and neglect.

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Atkins	BILL NUMBER:	AB 1588
SPONSOR:	Atkins	BILL STATUS:	Senate, Special Consent Calendar
SUBJECT:	Professions and vocations: reservist licensees: fees and continuing education.	DATE LAST AMENDED:	6/25/12

SUMMARY:

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure of individuals in that regard. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met.

ANALYSIS:

This bill would require the boards described above to waive the renewal fees and continuing education requirements, if either is applicable, of any licensee who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.

Amended analysis of 3/5/12:

This bill amendment would add commissions and bureaus within the Department of Consumer Affairs and use registration/registrant as well as licensure/licensee.

Amended analysis of 6/25/12:

This bill amendment deletes reference to commissions and bureaus and would require the boards described above to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met. The bill would require a licensee or registrant to meet certain renewal requirements within a specified time period after being discharged from active duty service prior to engaging in any activity requiring a license.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

American Federation of State County and Municipal Employees
American Legion, Department of California
American Nurses Association of California
AMVETS, Department of California
Blood Centers of California
Board of Pharmacy
California Association of County Veterans Service Officers
California Board of Accountancy
California Optometric Association
California State Commanders Veterans Council
Dental Board of California
Department of Defense State Liaison Office
Hearing HealthCare Providers
Los Angeles County Democratic Party
Respiratory Care Board of California
United States Marine Corps
Veterans of Foreign Wars of the United States Department of California
Vietnam Veterans of America, California State Council

OPPOSE:

None on file.

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN ASSEMBLY MARCH 5, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1588

Introduced by Assembly Member Atkins
(Principal coauthors: Assembly Members Cook and Nielsen)
(Coauthors: Assembly Members *Allen, Bill Berryhill, Block, Butler,*
Beth Gaines, Pan, V. Manuel Pérez, Williams, and Yamada)

February 6, 2012

An act to add Section 114.3 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1588, as amended, Atkins. Professions and vocations: reservist licensees: fees and continuing education.

Existing law provides for the regulation of various professions and vocations by boards, ~~commissions, or bureaus~~ within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met.

This bill would require the boards, ~~commissions, or bureaus~~ described above to waive the renewal fees ~~and~~, continuing education requirements, ~~if either is applicable~~ *and other renewal requirements as determined by the board, if any are applicable*, of any licensee or registrant who is a reservist called to active duty as a member of the United States

Military Reserve or the California National Guard if certain requirements are met. *The bill would require a licensee or registrant to meet certain renewal requirements within a specified time period after being discharged from active duty service prior to engaging in any activity requiring a license.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 114.3 is added to the Business and
2 Professions Code, to read:

3 114.3. (a) Notwithstanding any other provision of law, every
4 board, ~~commission, or bureau~~ *as defined in Section 22*, within the
5 department shall waive the renewal fees ~~and~~, continuing education
6 requirements, ~~if either is applicable and other renewal requirements~~
7 *as determined by the board, if any are applicable*, for any licensee
8 or registrant who is a reservist called to active duty as a member
9 of the United States Military Reserve or the California National
10 Guard if all of the following requirements are met:

11 (a)

12 (1) The licensee or registrant ~~was in good standing~~ *possessed*
13 *a current and valid license* with the board, ~~commission, or bureau~~
14 ~~at the time the reservist he or she was called to active duty.~~

15 (b)

16 (2) The renewal fees ~~or continuing education~~ requirements are
17 waived only for the period during which the ~~reservist~~ *licensee or*
18 *registrant* is on active duty service.

19 (c) ~~The active duty reservist, or the active duty reservist's spouse~~
20 ~~or registered domestic partner, provides written notice satisfactory~~
21 ~~to the board, commission, or bureau that substantiates the~~
22 ~~reservist's active duty service.~~

23 (3) *Written documentation that substantiates the licensee or*
24 *registrant's active duty service is provided to the board.*

25 (b) *The licensee or registrant shall not engage in any activities*
26 *requiring a license during the period that the waivers provided by*
27 *this section are in effect. In order to engage in any activities for*
28 *which he or she is licensed, the licensee or registrant shall meet*
29 *all necessary renewal requirements as determined by the board*

- 1 *within one year from the reservist's date of discharge from active*
- 2 *duty service.*
- 3 *(c) A board may adopt regulations to carry out the provisions*
- 4 *of this section.*

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**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Chesbro	BILL NUMBER:	AB 1896
SPONSOR:	California Rural Indian Heath Board	BILL STATUS:	Chapter 119, Statutes of 2012
SUBJECT:	Tribal health programs: health care practitioners.	DATE LAST AMENDED:	3/27/12

SUMMARY:

Under existing federal law, licensed health professionals employed by a tribal health program are required to be exempt, if licensed in any state, from the licensing requirements of the state in which the tribal health program performs specified services. A tribal health program is defined as an Indian tribe or tribal organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Indian Health Service.

Existing law provides for the licensure and regulation of health care practitioners by various healing arts boards.

ANALYSIS:

This bill would codify that federal requirement by specifying that a health care practitioner employed by a tribal health program is exempt from any state licensing requirement where the tribal health program performs specified services.

Amended analysis of 3/27/12:

This bill amendment would codify that federal requirement by specifying that a person who is licensed as a health care practitioner in any other state and is employed by a tribal health program is exempt from any state licensing requirement with respect to acts authorized under the person's license where the tribal health program performs specified services.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

California Rural Indian Heath Board

OPPOSE:

None on file.

Assembly Bill No. 1896

CHAPTER 119

An act to amend the heading of Article 10 (commencing with Section 710) of Chapter 1 of Division 2 of, and to add Section 719 to, the Business and Professions Code, relating to healing arts.

[Approved by Governor July 13, 2012. Filed with
Secretary of State July 13, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1896, Chesbro. Tribal health programs: health care practitioners.

Under existing federal law, licensed health professionals employed by a tribal health program are required to be exempt, if licensed in any state, from the licensing requirements of the state in which the tribal health program performs specified services. A tribal health program is defined as an Indian tribe or tribal organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Indian Health Service.

Existing law provides for the licensure and regulation of health care practitioners by various healing arts boards within the Department of Consumer Affairs.

This bill would codify that federal requirement by specifying that a person who is licensed as a health care practitioner in any other state and is employed by a tribal health program is exempt from this state's licensing requirements with respect to acts authorized under the person's license where the tribal health program performs specified services.

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 10 (commencing with Section 710) of Chapter 1 of Division 2 of the Business and Professions Code is amended to read:

Article 10. Federal Personnel and Tribal Health Programs

SEC. 2. Section 719 is added to the Business and Professions Code, to read:

719. (a) A person who is licensed as a health care practitioner in any other state and is employed by a tribal health program, as defined in Section 1603 of Title 25 of the United States Code, shall be exempt from any licensing requirement described in this division with respect to acts authorized under the person's license where the tribal health program

performs the services described in the contract or compact of the tribal health program under the Indian Self-Determination and Education Assistance Act (25 U.S.C. Sec. 450 et seq.).

(b) For purposes of this section, “health care practitioner” means any person who engages in acts that are the subject of licensure or regulation under the law of any other state.

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Block	BILL NUMBER:	AB 1904
SPONSOR:	Block	BILL STATUS:	Senate, Special Consent Calendar
SUBJECT:	Professions and vocations: military spouses: expedited licensure	DATE LAST AMENDED:	6/12/12

SUMMARY:

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Under existing law, licensing fees imposed by certain boards within the department are deposited in funds that are continuously appropriated.

ANALYSIS:

This bill would authorize a board within the department to issue a temporary license to an applicant who, among other requirements, holds an equivalent license in another jurisdiction, as specified, and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

The bill would require a board to expedite the process for issuing these temporary licenses. The bill would require the applicant to pay any fees required by the board and would require that those fees be deposited in the fund used by the board to administer its licensing program. To the extent that the bill would increase the amount of money deposited into a continuously appropriated fund, the bill would make an appropriation.

Amended analysis of 6/12/12:

Existing law authorizes a licensee to reinstate an expired license without examination or penalty if, among other requirements, the license expired while the licensee was on active duty as a member of the California National Guard or the United States Armed Forces.

This bill amendment deletes reference to the temporary license and would now require a board within the department to expedite the licensure process for an applicant who holds a license in the

same profession or vocation in another jurisdiction and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

AFSCME

AMVETS- Department of California, California Association of County Veterans Service Officers

Blood Centers of California

Board of Behavioral Sciences

California Board of Accountancy

Department of Defense State Liaison Office

Department of the Navy

National Military Family Association

OPPOSE:

None on file.

AMENDED IN SENATE JUNE 12, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1904

Introduced by Assembly Members Block, Butler, and Cook

February 22, 2012

An act to add Section 115.5 to the Business and Professions Code, relating to professions and vocations, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1904, as amended, Block. Professions and vocations: military spouses: ~~temporary licenses: expedited licensure.~~

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. ~~Under existing law, licensing fees imposed by certain boards within the department are deposited in funds that are continuously appropriated. Existing law authorizes a licensee to reinstate an expired license without examination or penalty if, among other requirements, the license expired while the licensee was on active duty as a member of the California National Guard or the United States Armed Forces.~~

This bill would ~~authorize~~ *require* a board within the department to ~~issue a temporary license to expedite the licensure process for~~ an applicant who, ~~among other requirements, holds an equivalent a license in the same profession or vocation in another jurisdiction, as specified,~~ and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station

in California under official active duty military orders. ~~The bill would require a board to expedite the process for issuing these temporary licenses. The bill would require the applicant to pay any fees required by the board and would require that those fees be deposited in the fund used by the board to administer its licensing program. To the extent that the bill would increase the amount of money deposited into a continuously appropriated fund, the bill would make an appropriation.~~

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 115.5 is added to the Business and
2 Professions Code, to read:
3 115.5. (a) A board within the department ~~may issue a~~
4 ~~temporary license to~~ *shall expedite the licensure process for an*
5 applicant who meets ~~all~~ *both* of the following requirements:
6 (1) ~~Submits an application in the manner prescribed by the~~
7 ~~board.~~
8 (2)
9 (1) Supplies evidence satisfactory to the board that the applicant
10 is married to, or in a domestic partnership or other legal union
11 with, an active duty member of the Armed Forces of the United
12 States who is assigned to a duty station in this state under official
13 active duty military orders.
14 (3)
15 (2) Holds a current license in another state, district, or territory
16 of the United States ~~with the requirements that the board determines~~
17 ~~are substantially equivalent to those established under this code~~
18 ~~for that occupation in the profession or vocation for which he or~~
19 ~~she seeks a license from the board.~~
20 (4) ~~Has not committed an act in any jurisdiction that would have~~
21 ~~constituted grounds for denial, suspension, or revocation of the~~
22 ~~license under this code at the time the act was committed.~~
23 (5) ~~Has not been disciplined by a licensing entity in another~~
24 ~~jurisdiction and is not the subject of an unresolved complaint,~~
25 ~~review procedure, or disciplinary proceeding conducted by a~~
26 ~~licensing entity in another jurisdiction.~~

1 ~~(6) Pays any fees required by the board. Those fees shall be~~
2 ~~deposited in the applicable fund or account used by the board to~~
3 ~~administer its licensing program.~~

4 ~~(7) Submits fingerprints and any applicable fingerprinting fee~~
5 ~~in the manner required of an applicant for a regular license.~~

6 ~~(b) A board shall expedite the procedure for issuing a temporary~~
7 ~~license pursuant to this section.~~

8 ~~(c) A temporary license issued under this section shall be valid~~
9 ~~for 180 days, except that the license may, at the discretion of the~~
10 ~~board, be extended for an additional 180-day period on application~~
11 ~~of the license holder.~~

12 ~~(d)~~

13 ~~(b) A board may adopt regulations necessary to administer this~~
14 ~~section.~~

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Block	BILL NUMBER:	AB 2296
SPONSOR:	Block	BILL STATUS:	Senate, 2nd Reading
SUBJECT:	California Private Postsecondary Education Act of 2009	DATE LAST AMENDED:	8/21/12

SUMMARY:

Existing law, the California Private Postsecondary Education Act of 2009, provides, among other things, for student protections and regulatory oversight of private postsecondary schools in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. The act prohibits an institution, as defined, from, among other things, offering an unaccredited doctoral degree program without disclosing to prospective students prior to enrollment that the degree program is unaccredited, whether the degree issued is in a field that requires licensure in California, and any known limitation of the degree, including, but not limited to, whether the degree is recognized for licensure or certification in California and other states.

The act requires an institution to provide a prospective student prior to enrollment with a school catalog and a School Performance Fact Sheet, which are required to contain specified disclosures relating to the school or a particular program. The act also requires an institution to submit an annual report to the bureau that includes specified information for educational programs offered in the reporting period.

ANALYSIS:

This bill would apply that prohibition to the offering of associate, baccalaureate, and masters degree programs as well.

This bill would require the school catalog to include a statement specifying whether the institution, or any of its programs, are accredited by an approved accrediting agency of the United States Department of Education, and, if the institution offers an associate, baccalaureate, masters, or doctoral degree program that is not accredited by such an agency, the statement would be required to disclose that nonaccreditation and all known limitations of the degree.

The bill would require an institution that maintains an Internet Web site to include specific information related to its programs to provide on that Internet Web site the school catalog, a School Performance Fact Sheet for each educational program offered by the institution, student brochures offered by the institution, a link to the bureau's Internet Web site, and the institution's most recent annual report submitted to the bureau.

Amended analysis of 4/9/12:

This bill amendment would the list specified limitations of the degree program whose disclosure the bill would require.

This bill amendment would require the school catalog to include a statement specifying whether the institution, or any of its programs, are accredited by an approved accrediting agency of the United States Department of Education, and, if the institution is not accredited, or offers an associate, baccalaureate, master's, or doctoral degree program that is not accredited in a field that requires licensure in California, the bill would require the statement to disclose that nonaccreditation and all known and specified limitations of the degree program.

This bill amendment also reflects additional information to be contained in the School Performance Fact Sheet and annual report made to the Bureau.

Amended analyses of 6/13, 6/27, 8/6, and 8/21/12:

These bill amendments relate to the definition of graduates employed after graduation. The amendment of 8/6 now provides that definition is to now include graduates who are gainfully employed within 6 months of a specified date in a single position for which the institution represents the program prepares its graduates, as specified. Language changes for clarification are also made. The bill amendment of 8/21 would change the date to July 1, 2014, by which the bureau shall define specific measures and standards for determining whether a student is gainfully employed in a full-time or part-time position for which the institution represents the program prepares its graduates.

BOARD POSITION:**LEGISLATIVE COMMITTEE RECOMMENDED POSITION:****SUPPORT:**

The Advancement Project
Asian Law Caucus
California Civil Right Coalition
California Faculty Association
California Federation of Teachers
California Labor Federation
California Nurses Association
California Physical Therapy Association
California Psychological Association
California State Students Association
Center for Public Interest Law, University of San Diego School of Law
Children's Advocacy Institute, University of San Diego School of Law
Chinese for Affirmative Action
Consumer Action
Consumer Federation of California
Consumers Union of United States, Inc.
Institute for College Access and Success
LAW Project of Los Angeles

Legal Aid Foundation of Los Angeles
Public Advocates Inc.
Veterans of Foreign Wars, Department of California
Vietnam Veterans of America, California

OPPOSE:

American Career Colleges/West Coast University

AMENDED IN SENATE AUGUST 21, 2012

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JUNE 27, 2012

AMENDED IN SENATE JUNE 13, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2296

Introduced by Assembly Member Block

February 24, 2012

An act to amend Sections 94897, 94909, 94910, 94911, 94928, 94929.5, and 94929.7 of, and to add Section 94913 to, the Education Code, relating to private postsecondary education.

LEGISLATIVE COUNSEL’S DIGEST

AB 2296, as amended, Block. California Private Postsecondary Education Act of 2009.

(1) Existing law, the California Private Postsecondary Education Act of 2009, provides, among other things, for student protections and regulatory oversight of private postsecondary schools in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. The act prohibits an institution, as defined, from, among other things, offering an unaccredited doctoral degree program without disclosing to prospective students prior to enrollment that the degree program is unaccredited, whether the degree issued is in a field that requires licensure in California, and any known limitation of the degree, including, but not

limited to, whether the degree is recognized for licensure or certification in California and other states.

This bill would apply that prohibition to the offering of associate, baccalaureate, and master's degree programs without disclosing that the institution, or specified degree program, is unaccredited, and would list specified limitations of the degree program whose disclosure the bill would require.

(2) The act requires an institution to provide a prospective student prior to enrollment with a school catalog, which is required to contain specified disclosures relating to the school or a particular educational program.

This bill would require the school catalog to include a statement specifying whether the institution, or any of its programs, are accredited by an accrediting agency recognized by the United States Department of Education, and, if the institution is unaccredited, or offers an associate, baccalaureate, master's, or doctoral degree program that is not accredited, the bill would require the statement to disclose the known and specified limitations of the degree program.

(3) The act requires an institution to provide a prospective student prior to enrollment with a School Performance Fact Sheet, which is required to contain specified information relating to the educational program, including, among other things, salary or wage information if the institution or a representative of the institution makes any express or implied claim about the salary that may be earned after completing the educational program.

This bill would remove that limitation, and require all institutions to include salary or wage information in the fact sheet, not just institutions that make express or implied claims about the salary that may be earned after completing the educational program. The bill would require the fact sheet to include the most recent 3-year cohort default rate for federal student loans reported by the United States Department of Education and the percentage of students receiving federal student loans if the institution participates in federal financial aid programs, as specified.

(4) Existing law defines graduates employed in the field for purposes of the act.

This bill would revise that definition to include graduates who are gainfully employed within 6 months of a specified date in a single position for which the institution represents the program prepares its graduates, as specified.

(5) Existing law requires an institution to annually report specified information regarding completion rates, job placement rates, license examination passage rates, and salary and wage information to the bureau and to publish that information in its School Performance Fact Sheet. Existing law requires the information used to substantiate these rates to be documented and maintained by the institution for at least 5 years, and authorizes an institution to retain the information in electronic format.

This bill would additionally require an institution to annually report, and publish in its School Performance Fact Sheet, the most recent official 3-year cohort default rate for federal student loans for the institution and the percentage of enrolled students receiving federal student loans. The bill also would require the information used to substantiate the annually reported rates and information to include specified information, and would require an institution to retain the information in an electronic format and make it available to the bureau upon request.

(6) The bill would require an institution that maintains an Internet Web site to provide, on that Internet Web site, the school catalog, a School Performance Fact Sheet for each educational program offered by the institution, student brochures offered by the institution, a link to the bureau's Internet Web site, and the institution's most recent annual report submitted to the bureau. The bill would also require the institution to include information concerning where students may access the bureau's Internet Web site anywhere the institution identifies itself as being approved by the bureau.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 94897 of the Education Code is amended
- 2 to read:
- 3 94897. An institution shall not do any of the following:
- 4 (a) Use, or allow the use of, any reproduction or facsimile of
- 5 the Great Seal of the State of California on a diploma.
- 6 (b) Promise or guarantee employment, or otherwise overstate
- 7 the availability of jobs upon graduation.

1 (c) Advertise concerning job availability, degree of skill, or
2 length of time required to learn a trade or skill unless the
3 information is accurate and not misleading.

4 (d) Advertise, or indicate in promotional material, without
5 including the fact that the educational programs are delivered by
6 means of distance education if the educational programs are so
7 delivered.

8 (e) Advertise, or indicate in promotional material, that the
9 institution is accredited, unless the institution has been accredited
10 by an accrediting agency.

11 (f) Solicit students for enrollment by causing an advertisement
12 to be published in “help wanted” columns in a magazine,
13 newspaper, or publication, or use “blind” advertising that fails to
14 identify the institution.

15 (g) Offer to compensate a student to act as an agent of the
16 institution with regard to the solicitation, referral, or recruitment
17 of any person for enrollment in the institution, except that an
18 institution may award a token gift to a student for referring an
19 individual, provided that the gift is not in the form of money, no
20 more than one gift is provided annually to a student, and the gift’s
21 cost is not more than one hundred dollars (\$100).

22 (h) Pay any consideration to a person to induce that person to
23 sign an enrollment agreement for an educational program.

24 (i) Use a name in any manner improperly implying any of the
25 following:

26 (1) The institution is affiliated with any government agency,
27 public or private corporation, agency, or association if it is not, in
28 fact, thus affiliated.

29 (2) The institution is a public institution.

30 (3) The institution grants degrees, if the institution does not
31 grant degrees.

32 (j) In any manner make an untrue or misleading change in, or
33 untrue or misleading statement related to, a test score, grade or
34 record of grades, attendance record, record indicating student
35 completion, placement, employment, salaries, or financial
36 information, including any of the following:

37 (1) A financial report filed with the bureau.

38 (2) Information or records relating to the student’s eligibility
39 for student financial aid at the institution.

1 (3) Any other record or document required by this chapter or
2 by the bureau.

3 (k) Willfully falsify, destroy, or conceal any document of record
4 while that document of record is required to be maintained by this
5 chapter.

6 (l) Use the terms “approval,” “approved,” “approval to operate,”
7 or “approved to operate” without stating clearly and conspicuously
8 that approval to operate means compliance with state standards as
9 set forth in this chapter. If the bureau has granted an institution
10 approval to operate, the institution may indicate that the institution
11 is “licensed” or “licensed to operate,” but may not state or imply
12 either of the following:

13 (1) The institution or its educational programs are endorsed or
14 recommended by the state or by the bureau.

15 (2) The approval to operate indicates that the institution exceeds
16 minimum state standards as set forth in this chapter.

17 (m) Direct any individual to perform an act that violates this
18 chapter, to refrain from reporting unlawful conduct to the bureau
19 or another government agency, or to engage in any unfair act to
20 persuade a student not to complain to the bureau or another
21 government agency.

22 (n) Compensate an employee involved in recruitment,
23 enrollment, admissions, student attendance, or sales of educational
24 materials to students on the basis of a commission, commission
25 draw, bonus, quota, or other similar method related to the
26 recruitment, enrollment, admissions, student attendance, or sales
27 of educational materials to students, except as provided in
28 paragraph (1) or (2):

29 (1) If the educational program is scheduled to be completed in
30 90 days or less, the institution shall pay compensation related to
31 a particular student only if that student completes the educational
32 program.

33 (2) For institutions participating in the federal student financial
34 aid programs, this subdivision shall not prevent the payment of
35 compensation to those involved in recruitment, admissions, or the
36 award of financial aid if those payments are in conformity with
37 federal regulations governing an institution’s participation in the
38 federal student financial aid programs.

39 (o) Require a prospective student to provide personal contact
40 information in order to obtain, from the institution’s Internet Web

1 site, educational program information that is required to be
2 contained in the school catalog or any information required
3 pursuant to the consumer information requirements of Title IV of
4 the federal Higher Education Act of 1965, and any amendments
5 thereto.

6 (p) Offer an associate, baccalaureate, master's, or doctoral
7 degree without disclosing to prospective students prior to
8 enrollment whether the institution or the degree program is
9 unaccredited and any known limitation of the degree, including,
10 but not limited to, all of the following:

11 (1) Whether a graduate of the degree program will be eligible
12 to sit for the applicable licensure exam in California and other
13 states.

14 (2) A statement that reads: "A degree program that is
15 unaccredited or a degree from an unaccredited institution is not
16 recognized for some employment positions, including, but not
17 limited to, positions with the State of California."

18 (3) That a student enrolled in an unaccredited institution is not
19 eligible for federal financial aid programs.

20 SEC. 2. Section 94909 of the Education Code is amended to
21 read:

22 94909. (a) Prior to enrollment, an institution shall provide a
23 prospective student, either in writing or electronically, with a
24 school catalog containing, at a minimum, all of the following:

25 (1) The name, address, telephone number, and, if applicable,
26 Internet Web site address of the institution.

27 (2) Except as specified in Article 2 (commencing with Section
28 94802), a statement that the institution is a private institution and
29 that it is approved to operate by the bureau.

30 (3) The following statements:

31 (A) "Any questions a student may have regarding this catalog
32 that have not been satisfactorily answered by the institution may
33 be directed to the Bureau for Private Postsecondary Education at
34 (address), Sacramento, CA (ZIP Code), (Internet Web site address),
35 (telephone and fax numbers)."

36 (B) "As a prospective student, you are encouraged to review
37 this catalog prior to signing an enrollment agreement. You are also
38 encouraged to review the School Performance Fact Sheet, which
39 must be provided to you prior to signing an enrollment agreement."

1 (C) “A student or any member of the public may file a complaint
2 about this institution with the Bureau for Private Postsecondary
3 Education by calling (toll-free telephone number) or by completing
4 a complaint form, which can be obtained on the bureau’s Internet
5 Web site (Internet Web site address).”

6 (4) The address or addresses where class sessions will be held.

7 (5) A description of the programs offered and a description of
8 the instruction provided in each of the courses offered by the
9 institution, the requirements for completion of each program,
10 including required courses, any final tests or examinations, any
11 required internships or externships, and the total number of credit
12 hours, clock hours, or other increments required for completion.

13 (6) If the educational program is designed to lead to positions
14 in a profession, occupation, trade, or career field requiring licensure
15 in this state, a notice to that effect and a list of the requirements
16 for eligibility for licensure.

17 (7) Information regarding the faculty and their qualifications.

18 (8) A detailed description of institutional policies in the
19 following areas:

20 (A) Admissions policies, including the institution’s policies
21 regarding the acceptance of credits earned at other institutions or
22 through challenge examinations and achievement tests, admissions
23 requirements for ability-to-benefit students, and a list describing
24 any transfer or articulation agreements between the institution and
25 any other college or university that provides for the transfer of
26 credits earned in the program of instruction. If the institution has
27 not entered into an articulation or transfer agreement with any
28 other college or university, the institution shall disclose that fact.

29 (B) Cancellation, withdrawal, and refund policies, including an
30 explanation that the student has the right to cancel the enrollment
31 agreement and obtain a refund of charges paid through attendance
32 at the first class session, or the seventh day after enrollment,
33 whichever is later. The text shall also include a description of the
34 procedures that a student is required to follow to cancel the
35 enrollment agreement or withdraw from the institution and obtain
36 a refund consistent with the requirements of Article 13
37 (commencing with Section 94919).

38 (C) Probation and dismissal policies.

39 (D) Attendance policies.

40 (E) Leave-of-absence policies.

1 (9) The schedule of total charges for a period of attendance and
2 an estimated schedule of total charges for the entire educational
3 program.

4 (10) A statement reporting whether the institution participates
5 in federal and state financial aid programs, and if so, all consumer
6 information that is required to be disclosed to the student pursuant
7 to the applicable federal and state financial aid programs.

8 (11) A statement specifying that, if a student obtains a loan to
9 pay for an educational program, the student will have the
10 responsibility to repay the full amount of the loan plus interest,
11 less the amount of any refund, and that, if the student has received
12 federal student financial aid funds, the student is entitled to a refund
13 of the moneys not paid from federal student financial aid program
14 funds.

15 (12) A statement specifying whether the institution has a pending
16 petition in bankruptcy, is operating as a debtor in possession, has
17 filed a petition within the preceding five years, or has had a petition
18 in bankruptcy filed against it within the preceding five years that
19 resulted in reorganization under Chapter 11 of the United States
20 Bankruptcy Code (11 U.S.C. Sec. 1101 et seq.).

21 (13) If the institution provides placement services, a description
22 of the nature and extent of the placement services.

23 (14) A description of the student's rights and responsibilities
24 with respect to the Student Tuition Recovery Fund. This statement
25 shall specify that it is a state requirement that a student who pays
26 his or her tuition is required to pay a state-imposed assessment for
27 the Student Tuition Recovery Fund. This statement shall also
28 describe the purpose and operation of the Student Tuition Recovery
29 Fund and the requirements for filing a claim against the Student
30 Tuition Recovery Fund.

31 (15) The following statement:

32
33 "NOTICE CONCERNING TRANSFERABILITY OF
34 CREDITS AND CREDENTIALS EARNED AT OUR
35 INSTITUTION

36 The transferability of credits you earn at (name of institution)
37 is at the complete discretion of an institution to which you
38 may seek to transfer. Acceptance of the (degree, diploma, or
39 certificate) you earn in (name of educational program) is also
40 at the complete discretion of the institution to which you may

1 seek to transfer. If the (credits or degree, diploma, or
2 certificate) that you earn at this institution are not accepted at
3 the institution to which you seek to transfer, you may be
4 required to repeat some or all of your coursework at that
5 institution. For this reason you should make certain that your
6 attendance at this institution will meet your educational goals.
7 This may include contacting an institution to which you may
8 seek to transfer after attending (name of institution) to
9 determine if your (credits or degree, diploma or certificate)
10 will transfer.”

11
12 (16) A statement specifying whether the institution, or any of
13 its degree programs, are accredited by an accrediting agency
14 recognized by the United States Department of Education. If the
15 institution is unaccredited and offers an associate, baccalaureate,
16 master’s, or doctoral degree, or is accredited and offers an
17 unaccredited program for an associate, baccalaureate, master’s, or
18 doctoral degree, the statement shall disclose the known limitations
19 of the degree program, including, but not limited to, all of the
20 following:

21 (A) Whether a graduate of the degree program will be eligible
22 to sit for the applicable licensure exam in California and other
23 states.

24 (B) A degree program that is unaccredited or a degree from an
25 unaccredited institution is not recognized for some employment
26 positions, including, but not limited to, positions with the State of
27 California.

28 (C) That a student enrolled in an unaccredited institution is not
29 eligible for federal financial aid programs.

30 (b) If the institution has a general student brochure, the
31 institution shall provide that brochure to the prospective student
32 prior to enrollment. In addition, if the institution has a
33 program-specific student brochure for the program in which the
34 prospective student seeks to enroll, the institution shall provide
35 the program-specific student brochure to the prospective student
36 prior to enrollment.

37 (c) An institution shall provide the school catalog to any person
38 upon request. In addition, if the institution has student brochures,
39 the institution shall disclose the requested brochures to any
40 interested person upon request.

1 SEC. 3. Section 94910 of the Education Code is amended to
2 read:

3 94910. Prior to enrollment, an institution shall provide a
4 prospective student with a School Performance Fact Sheet
5 containing, at a minimum, the following information, as it relates
6 to the educational program:

7 (a) Completion rates, as calculated pursuant to Article 16
8 (commencing with Section 94928).

9 (b) Placement rates for each educational program, as calculated
10 pursuant to Article 16 (commencing with Section 94928), if the
11 educational program is designed to lead to, or the institution makes
12 any express or implied claim related to preparing students for, a
13 recognized career, occupation, vocation, job, or job title.

14 (c) License examination passage rates for programs leading to
15 employment for which passage of a state licensing examination is
16 required, as calculated pursuant to Article 16 (commencing with
17 Section 94928).

18 (d) Salary or wage information, as calculated pursuant to Article
19 16 (commencing with Section 94928).

20 (e) If a program is too new to provide data for any of the
21 categories listed in this subdivision, the institution shall state on
22 its fact sheet: "This program is new. Therefore, the number of
23 students who graduate, the number of students who are placed, or
24 the starting salary you can earn after finishing the educational
25 program are unknown at this time. Information regarding general
26 salary and placement statistics may be available from government
27 sources or from the institution, but is not equivalent to actual
28 performance data."

29 (f) All of the following:

30 (1) A description of the manner in which the figures described
31 in subdivisions (a) to (d), inclusive, are calculated or a statement
32 informing the reader of where he or she may obtain a description
33 of the manner in which the figures described in subdivisions (a)
34 to (d), inclusive, are calculated.

35 (2) A statement informing the reader of where he or she may
36 obtain from the institution a list of the employment positions
37 determined to be within the field for which a student received
38 education and training for the calculation of job placement rates
39 as required by subdivision (b).

1 (3) A statement informing the reader of where he or she may
2 obtain from the institution a list of the objective sources of
3 information used to substantiate the salary disclosure as required
4 by subdivision (d).

5 (g) The following statements:

6 (1) "This fact sheet is filed with the Bureau for Private
7 Postsecondary Education. Regardless of any information you may
8 have relating to completion rates, placement rates, starting salaries,
9 or license exam passage rates, this fact sheet contains the
10 information as calculated pursuant to state law."

11 (2) "Any questions a student may have regarding this fact sheet
12 that have not been satisfactorily answered by the institution may
13 be directed to the Bureau for Private Postsecondary Education at
14 (address), Sacramento, CA (ZIP Code), (Internet Web site address),
15 (telephone and fax numbers)."

16 (h) If the institution participates in federal financial aid
17 programs, the most recent three-year cohort default rate reported
18 by the United States Department of Education for the institution
19 and the percentage of enrolled students receiving federal student
20 loans.

21 SEC. 4. Section 94911 of the Education Code is amended to
22 read:

23 94911. An enrollment agreement shall include, at a minimum,
24 all of the following:

25 (a) The name of the institution and the name of the educational
26 program, including the total number of credit hours, clock hours,
27 or other increment required to complete the educational program.

28 (b) A schedule of total charges, including a list of any charges
29 that are nonrefundable and the student's obligations to the Student
30 Tuition Recovery Fund, clearly identified as nonrefundable
31 charges.

32 (c) In underlined capital letters on the same page of the
33 enrollment agreement in which the student's signature is required,
34 the total charges for the current period of attendance, the estimated
35 total charges for the entire educational program, and the total
36 charges the student is obligated to pay upon enrollment.

37 (d) A clear and conspicuous statement that the enrollment
38 agreement is legally binding when signed by the student and
39 accepted by the institution.

(e) (1) A disclosure with a clear and conspicuous caption, “STUDENT’S RIGHT TO CANCEL,” under which it is explained that the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later.

(2) The disclosure shall contain the institution’s refund policy and a statement that, if the student has received federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal student financial aid program funds.

(3) The text shall also include a description of the procedures that a student is required to follow to cancel the enrollment agreement or withdraw from the institution and obtain a refund.

(f) A statement specifying that, if the student obtains a loan to pay for an educational program, the student will have the responsibility to repay the full amount of the loan plus interest, less the amount of any refund.

(g) A statement specifying that, if the student is eligible for a loan guaranteed by the federal or state government and the student defaults on the loan, both of the following may occur:

(1) The federal or state government or a loan guarantee agency may take action against the student, including applying any income tax refund to which the person is entitled to reduce the balance owed on the loan.

(2) The student may not be eligible for any other federal student financial aid at another institution or other government assistance until the loan is repaid.

(h) The transferability disclosure that is required to be included in the school catalog, as specified in paragraph (15) of subdivision (a) of Section 94909.

(i) (1) The following statement: “Prior to signing this enrollment agreement, you must be given a catalog or brochure and a School Performance Fact Sheet, which you are encouraged to review prior to signing this agreement. These documents contain important policies and performance data for this institution. This institution is required to have you sign and date the information included in the School Performance Fact Sheet relating to completion rates, placement rates, license examination passage rates, salaries or wages, and the most recent three-year cohort default rate, if applicable, prior to signing this agreement.”

(2) Immediately following the statement required by paragraph (1), a line for the student to initial, including the following statement: “I certify that I have received the catalog, School Performance Fact Sheet, and information regarding completion rates, placement rates, license examination passage rates, salary or wage information, and the most recent three-year cohort default rate, if applicable, included in the School Performance Fact sheet, and have signed, initialed, and dated the information provided in the School Performance Fact Sheet.”

(j) The following statements:

(1) “Any questions a student may have regarding this enrollment agreement that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and fax numbers).”

(2) “A student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling (toll-free telephone number) or by completing a complaint form, which can be obtained on the bureau’s Internet Web site (Internet Web site address).”

(k) The following statement above the space for the student’s signature:

“I understand that this is a legally binding contract. My signature below certifies that I have read, understood, and agreed to my rights and responsibilities, and that the institution’s cancellation and refund policies have been clearly explained to me.”

SEC. 5. Section 94913 is added to the Education Code, to read:
94913. (a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:

(1) The school catalog.

(2) A School Performance Fact Sheet for each educational program offered by the institution.

(3) Student brochures offered by the institution.

1 (4) A link to the bureau's Internet Web site.

2 (5) The institution's most recent annual report submitted to the
3 bureau.

4 (b) An institution shall include information concerning where
5 students may access the bureau's Internet Web site anywhere the
6 institution identifies itself as being approved by the bureau.

7 SEC. 6. Section 94928 of the Education Code is amended to
8 read:

9 94928. As used in this article, the following terms have the
10 following meanings:

11 (a) "Cohort population" means the number of students that
12 began a program on a cohort start date.

13 (b) "Cohort start date" means the first class day after the
14 cancellation period during which a cohort of students attends class
15 for a specific program.

16 (c) "Graduates" means the number of students who complete a
17 program within 100 percent of the published program length. An
18 institution may separately state completion information for students
19 completing the program within 150 percent of the original
20 contracted time, but that information may not replace completion
21 information for students completing within the original scheduled
22 time. Completion information shall be separately stated for each
23 campus or branch of the institution.

24 (d) "Graduates available for employment" means the number
25 of graduates minus the number of graduates unavailable for
26 employment.

27 (e) (1) "Graduates employed in the field" means graduates who
28 are gainfully employed in a single position for which the institution
29 represents the program prepares its graduates within six months
30 after a student completes the applicable educational program. For
31 occupations for which the state requires passing an examination,
32 the period of employment shall begin within six months of the
33 announcement of the examination results for the first examination
34 available after a student completes an applicable educational
35 program.

36 (2) The bureau shall define by ~~January~~ *July* 1, 2014, specific
37 measures and standards for determining whether a student is
38 gainfully employed in a full-time or part-time position for which
39 the institution represents the program prepares its graduates,
40 including self-employment or conducting freelance work, and may

1 set the standards for the hours per week and duration of
2 employment and utilize any job classification methodology the
3 bureau determines appropriate for this purpose, including, but not
4 limited to, the United States Department of Labor's Standard
5 Occupational Classification codes.

6 (3) This subdivision does not prohibit the bureau from
7 authorizing an institution to aggregate single positions held by a
8 graduate for purposes of meeting the hours per week standards
9 established by the bureau.

10 (f) "Graduates unavailable for employment" means graduates
11 who, after graduation, die, become incarcerated, are called to active
12 military duty, are international students that leave the United States
13 or do not have a visa allowing employment in the United States,
14 or are continuing their education at an accredited or
15 bureau-approved postsecondary institution.

16 (g) "Students available for graduation" means the cohort
17 population minus the number of students unavailable for
18 graduation.

19 (h) "Students unavailable for graduation" means students who
20 have died, been incarcerated, or called to active military duty.

21 SEC. 7. Section 94929.5 of the Education Code is amended to
22 read:

23 94929.5. (a) An institution shall annually report to the bureau,
24 as part of the annual report, and shall publish in its School
25 Performance Fact Sheet, all of the following:

26 (1) The job placement rate, calculated by dividing the number
27 of graduates employed in the field by the number of graduates
28 available for employment for each program that is either (1)
29 designed, or advertised, to lead to a particular career, or (2)
30 advertised or promoted with any claim regarding job placement.

31 (2) The license examination passage rates for the immediately
32 preceding two years for programs leading to employment for which
33 passage of a state licensing examination is required, calculated by
34 dividing the number of graduates who pass the examination by the
35 number of graduates who take the licensing examination the first
36 time that the examination is available after completion of the
37 educational program. The institution shall use state agency
38 licensing data to calculate license examination passage rates. If
39 those data are unavailable, the institution shall calculate the license

1 examination passage rate in a manner consistent with regulations
2 adopted by the bureau.

3 (3) Salary and wage information, consisting of the total number
4 of graduates employed in the field and the annual wages or salaries
5 of those graduates stated in increments of five thousand dollars
6 (\$5,000).

7 (4) If applicable, the most recent official three-year cohort
8 default rate reported by the United States Department of Education
9 for the institution and the percentage of enrolled students receiving
10 federal student loans.

11 (b) Nothing in this section shall limit the bureau's authority to
12 collect information from an institution to comply with this section
13 and ensure, by regulation and other lawful means, that the
14 information required by this section, and the manner in which it
15 is collected and reported, is all of the following:

16 (1) Useful to students.

17 (2) Useful to policymakers.

18 (3) Based upon the most credible and verifiable data available.

19 (4) Does not impose undue compliance burdens on an institution.

20 SEC. 8. Section 94929.7 of the Education Code is amended to
21 read:

22 94929.7. (a) The information used to substantiate the rates
23 and information calculated pursuant to Sections 94929 and 94929.5
24 shall do both of the following:

25 (1) Be documented and maintained by the institution for five
26 years from the date of the publication of the rates and information.

27 (2) Be retained in an electronic format and made available to
28 the bureau upon request.

29 (b) An institution shall provide a list of employment positions
30 used to determine the number of graduates employed in the field
31 for purposes of calculating job placement rates pursuant to this
32 article.

33 (c) The bureau shall identify the specific information that an
34 institution is required to document and maintain to substantiate
35 rates and information pursuant to this section.

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Mitchell	BILL NUMBER:	AB 2348
SPONSORS:	California Family Health Council; Planned Parenthood Affiliates of California	BILL STATUS:	Senate, 3 rd Reading
SUBJECT:	Registered nurses: dispensation of drugs.	DATE LAST AMENDED:	8/20/12

SUMMARY:

Existing law, the Nursing Practice Act, authorizes a registered nurse to dispense drugs or devices upon an order by a licensed physician and surgeon if the nurse is functioning within a specified clinic.

ANALYSIS:

This bill would change licensed clinic to licensed primary care clinic as the site related to this law.

Amended analysis of 3/29/12:

This bill amendment would, in addition, authorize a registered nurse to dispense drugs or devices upon an order issued by a certified nurse-midwife, nurse practitioner, or physician assistant if the nurse is functioning within a specified clinic.

The bill amendment would also authorize a registered nurse to dispense hormonal contraceptives pursuant to specified standardized procedures, if the nurse is functioning within a specified clinic.

Amended analysis of 5/29/12:

This bill amendment would also authorize a registered nurse to administer injections of hormonal contraceptives in strict adherence to specified standardized procedures if the nurse is functioning within a specified clinic.

Amended analysis of 6/20/12:

Technical, non-substantive changes

Amended analysis of 6/27/12:

This bill amendment authorizes the registered nurse to dispense or administer hormonal contraceptives in strict adherence to specified standardized procedures.

Amended analysis of 8/7/12:

This bill amendment requires adherence to subdivision (a) of Section 2242 in a manner developed through collaboration with health care providers, including physicians and surgeons, certified nurse-midwives, nurse practitioners, physician assistants, and registered nurses, and the appropriate prior examination shall be consistent with the evidence-based practice guidelines adopted by the federal Centers for Disease Control and Prevention in conjunction with the United States Medical Eligibility Criteria for Contraceptive Use.

Amended analysis of 8/20/12:

This bill amendment would refine, in the provisions for the standardized procedure, the components of the prior examination. It would also add nurse practitioners and nurse-midwives as professionals to whom the registered nurse would refer patients in the standardized procedure component for identification, documentation, and referral of patients with contraindications for hormonal contraceptives and patients in need of a followup visit.

This bill amendment also provides that when the patient has been seen exclusively by a registered nurse for three consecutive years, that the patient be evaluated by a physician and surgeon, nurse practitioner, certified nurse-midwife, or physician assistant prior to the registered nurse continuing the dispensation or administration of hormonal contraceptives.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

California Family Health Council (co-source)
Planned Parenthood Affiliates of California (co-source)
ACCESS Women's Health Justice
American Civil Liberties Union of California
American Nurses Association\California
Bay Area Communities for Health Education
Black Women for Wellness
California Black Women's Health Project
California Latinas for Reproductive Justice
California Maternal, Child and Adolescent Health Directors
California Primary Care Association
California Women Lawyers
City of Berkeley
Coalition Advancing Multipurpose Innovations
Forward Together
Ibis Reproductive Health
Law Students for Reproductive Justice
Latino Health Alliance
Maternal and Child Health Access
National Center for Youth Law
National Council of Jewish Women, California
National Council of Jewish Women, Los Angeles Section
Nevada County Citizens for Choice
Physicians for Reproductive Choice and Health

Planned Parenthood Action Fund of the Pacific Southwest
Planned Parenthood Advocacy Project, Los Angeles County
Planned Parenthood Mar Monte
Planned Parenthood of Santa Barbara, Ventura and San Luis Obispo Counties, Inc.
Planned Parenthood Pasadena and San Gabriel Valley
Planned Parenthood Shasta Pacific Action Fund
Service Employees International Union (SEIU)
SisterSong Women of Color Reproductive Justice Collective
Six Rivers Planned Parenthood
United Nurses Associations of California/Union of Health Care Professionals
Women's Community Clinic
Women's Health Specialists

OPPOSE:

California Association for Nurse Practitioners
California Nurses Association
California Catholic Conference, Inc.
California Right to Life Committee, Inc.

AMENDED IN SENATE AUGUST 20, 2012
AMENDED IN SENATE AUGUST 7, 2012
AMENDED IN SENATE JUNE 27, 2012
AMENDED IN SENATE JUNE 20, 2012
AMENDED IN ASSEMBLY MAY 29, 2012
AMENDED IN ASSEMBLY MARCH 29, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2348

Introduced by Assembly Member Mitchell
(Principal coauthors: Assembly Members Atkins, Butler, and
Chesbro)
(Coauthor: Assembly Member Ma)
(Coauthor: Senator De León)

February 24, 2012

An act to amend Section 2725.1 of, and to add Section 2725.2 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL’S DIGEST

AB 2348, as amended, Mitchell. Registered nurses: dispensation of drugs.

Existing law, the Nursing Practice Act, authorizes a registered nurse to dispense drugs or devices upon an order by a licensed physician and surgeon if the nurse is functioning within a specified clinic.

This bill would, in addition, authorize a registered nurse to dispense specified drugs or devices upon an order issued by a certified nurse-midwife, nurse practitioner, or physician assistant if the nurse is

functioning within a specified clinic. The bill would also authorize a registered nurse to dispense or administer hormonal contraceptives in strict adherence to specified standardized procedures.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2725.1 of the Business and Professions
2 Code is amended to read:

3 2725.1. (a) Notwithstanding any other provision of law, a
4 registered nurse may dispense drugs or devices upon an order by
5 a licensed physician and surgeon or an order by a certified
6 nurse-midwife, nurse practitioner, or physician assistant issued
7 pursuant to Section 2746.51, 2836.1, or 3502.1, respectively, if
8 the registered nurse is functioning within a licensed primary care
9 clinic as defined in subdivision (a) of Section 1204 of, or within
10 a clinic as defined in subdivision (b), (c), (h), or (j) of Section 1206
11 of, the Health and Safety Code.

12 (b) No clinic shall employ a registered nurse to perform
13 dispensing duties exclusively. No registered nurse shall dispense
14 drugs in a pharmacy, keep a pharmacy, open shop, or drugstore
15 for the retailing of drugs or poisons. No registered nurse shall
16 compound drugs. Dispensing of drugs by a registered nurse, except
17 a certified nurse-midwife who functions pursuant to a standardized
18 procedure or protocol described in Section 2746.51 or a nurse
19 practitioner who functions pursuant to a standardized procedure
20 described in Section 2836.1, or protocol, shall not include
21 substances included in the California Uniform Controlled
22 Substances Act (Division 10 (commencing with Section 11000)
23 of the Health and Safety Code). Nothing in this section shall
24 exempt a clinic from the provisions of Article 13 (commencing
25 with Section 4180) of Chapter 9.

26 (c) Nothing in this section shall be construed to limit any other
27 authority granted to a certified nurse-midwife pursuant to Article
28 2.5 (commencing with Section 2746), to a nurse practitioner
29 pursuant to Article 8 (commencing with Section 2834), or to a
30 physician assistant pursuant to Chapter 7.7 (commencing with
31 Section 3500).

(d) Nothing in this section shall be construed to affect the sites or types of health care facilities at which drugs or devices are authorized to be dispensed pursuant to Chapter 9 (commencing with Section 4000).

SEC. 2. Section 2725.2 is added to the Business and Professions Code, to read:

2725.2. (a) Notwithstanding any other provision of law, a registered nurse may dispense self-administered hormonal contraceptives approved by the federal Food and Drug Administration (FDA) and may administer injections of hormonal contraceptives approved by the FDA in strict adherence to standardized procedures developed in compliance with subdivision (c) of Section 2725.

(b) The standardized procedure described in subdivision (a) shall include all of the following:

(1) Which nurse, based on successful completion of training and competency assessment, may dispense or administer the hormonal contraceptives.

(2) Minimum training requirements regarding educating patients on medical standards for ongoing women's preventive health, contraception options education and counseling, properly eliciting, documenting, and assessing patient and family health history, and utilization of the United States Medical Eligibility Criteria for Contraceptive Use.

(3) Demonstration of competency in providing the appropriate ~~patient prior~~ examination comprised of checking blood pressure, ~~temperature~~, weight, and patient and family health history, including medications taken by the patient.

(4) Which hormonal contraceptives may be dispensed or administered under specified circumstances, utilizing the most recent version of the United States Medical Eligibility Criteria for Contraceptive Use.

(5) Criteria and procedure for identification, documentation, and referral of patients with contraindications for hormonal contraceptives and patients in need of a followup visit to a ~~supervising physician and surgeon~~, *nurse practitioner, certified nurse-midwife, or physician assistant*.

(6) The extent of physician and surgeon supervision required.

(7) The method of periodic review of the nurse's competence.

1 (8) The method of periodic review of the standardized procedure,
2 including, but not limited to, the required frequency of review and
3 the person conducting that review.

4 (9) Adherence to subdivision (a) of Section 2242 in a manner
5 developed through collaboration with health care providers,
6 including physicians and surgeons, certified nurse-midwives, nurse
7 practitioners, physician assistants, and registered nurses, ~~and the~~
8 *nurses. The* appropriate prior examination shall be consistent with
9 the evidence-based practice guidelines adopted by the federal
10 Centers for Disease Control and Prevention in conjunction with
11 the United States Medical Eligibility Criteria for Contraceptive
12 Use.

13 *(10) If a patient has been seen exclusively by a registered nurse*
14 *for three consecutive years, the patient shall be evaluated by a*
15 *physician and surgeon, nurse practitioner, certified nurse-midwife,*
16 *or physician assistant prior to continuing the dispensation or*
17 *administration of hormonal contraceptives.*

18 (c) Nothing in this section shall be construed to affect the sites
19 or types of health care facilities at which drugs or devices are
20 authorized to be dispensed pursuant to Chapter 9 (commencing
21 with Section 4000).

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Block	BILL NUMBER:	AB 2462
SPONSOR:	Block	BILL STATUS:	Senate, 3rd Reading
SUBJECT:	Public postsecondary education: academic credit for prior military academic experience.	DATE LAST AMENDED:	8/21/12

SUMMARY:

Existing law provides certain protections and benefits for members of the California National Guard and the California State Military Reserve.

ANALYSIS:

This bill would state the intent of the Legislature to enact legislation to promote ways to assist members of the California National Guard and the California State Military Reserve.

Amended analysis of 3/29/12:

This bill amendment would require the Chancellor of the California Community Colleges to implement a process for awarding credit for prior military academic experience, to be completed no later than July 1, 2013, that meets the pertinent standards of the American Council on Education.

The bill would require the Chancellor of the California Community Colleges and the Chancellor of the California State University, and request the President of the University of California, to convene faculty representatives to implement a process for awarding credit for prior military academic experience for which the American Council on Education standards are not applicable, to be completed no later than January 1, 2014.

Amended analysis of 4/9/12:

This bill amendment deletes the second paragraph as described in the 3/29/12 analysis.

Amended analyses of 5/10/12 and 8/21/12:

These bill amendments addressed the date that would require the Chancellor of the California Community Colleges to determine for which courses credit should be awarded for prior military experience, as specified. It is now July 15, 2015.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

AMVETS - Department of California

California Association of County Veterans Service Officers

California State Commanders Veterans Council

Department of Defense

Vietnam Veterans of America - California State Council

OPPOSE:

AMENDED IN SENATE AUGUST 21, 2012
AMENDED IN ASSEMBLY MAY 10, 2012
AMENDED IN ASSEMBLY MAY 8, 2012
AMENDED IN ASSEMBLY APRIL 26, 2012
AMENDED IN ASSEMBLY APRIL 9, 2012
AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2462

Introduced by Assembly Members Block, Cook, and Fuentes
(Coauthor: Assembly Member Logue)

February 24, 2012

An act to add Section 66025.7 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2462, as amended, Block. Public postsecondary education: academic credit for prior military academic experience.

Existing law establishes the California Community Colleges, the California State University, and the University of California as the 3 segments of public postsecondary education in this state. The Chancellor of the California Community Colleges, the Chancellor of the California State University, and the President of the University of California serve as the respective chief executive officers of these 3 segments.

This bill would require the Chancellor of the California Community Colleges to determine by July 1, ~~2013~~ 2015, for which courses credit should be awarded for prior military experience, as specified.

~~The bill would encourage community colleges to recognize the learning acquired by military personnel during their service, consider military education or experience for credit for career technical education, and consider awarding credit by an examination process for experience or instruction gained in a military setting.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66025.7 is added to the Education Code,
2 to read:

3 66025.7. (a) ~~By July 1, 2013~~ 2015, the Chancellor of the
4 California Community Colleges, using common course descriptors
5 and pertinent recommendations of the American Council on
6 Education, shall determine for which courses credit should be
7 awarded for prior military experience.

8 ~~(b) Community colleges are encouraged to do all of the~~
9 ~~following:~~

10 (1) ~~Recognize the learning acquired by military personnel during~~
11 ~~their service and award credit for that learning where appropriate,~~
12 ~~including applying the determinations made by the Chancellor's~~
13 ~~office pursuant to subdivision (a). The American Council on~~
14 ~~Education or another appropriate entity may offer a consistent and~~
15 ~~reasonable method of recognizing that learning. The Academic~~
16 ~~Senate for California Community Colleges is also encouraged to~~
17 ~~develop recommendations regarding approaches to the use of~~
18 ~~systems, including, but not limited to, the American Council on~~
19 ~~Education system, that provide guidance for awarding college~~
20 ~~credit for academic instruction and experience in a military setting.~~

21 (2) ~~Consider military education or experience for credit for~~
22 ~~career technical education instruction and develop ways to evaluate~~
23 ~~progress to, or completion of, a professional or occupational~~
24 ~~certificate for persons with military education or experience.~~

25 (3) ~~Consider awarding credit by examination process for~~
26 ~~experience or instruction gained in a military setting.~~

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Hernández, R	BILL NUMBER:	AB 2561
SPONSOR:	California State Assembly of the Association of Surgical Technologists	BILL STATUS:	Senate, 3 rd Reading
SUBJECT:	Certified surgical technologists	DATE LAST AMENDED:	8/6/12

SUMMARY:

Existing law provides for the licensure and regulation of healing arts licensees by boards within the Department of Consumer Affairs, including the licensure and regulation of physicians and surgeons by the Medical Board of California.

ANALYSIS:

This bill as amended 3/29/12 would, until January 1, 2018, provide for the title registration and regulation of certified surgical technologists who practice surgical technology, as defined, by the Certified Surgical Technologist Committee, established by this bill within the Medical Board of California. Under the bill, the committee would be comprised of 3 members, as specified, appointed by the Governor, the Senate Committee on Rules, and the Speaker of the Assembly. The bill would make it unlawful to use the title “certified surgical technologist” unless registered with the committee. The bill would require an applicant for title registration to meet certain educational requirements, hold a certification by a specified entity, submit an application, and pay a specified application fee. The bill would specify that a title registration shall be valid for 2 years and is subject to renewal upon the completion of specified requirements including the payment of a renewal fee. The bill would create the Surgical Technologists Account within the Contingent Fund of the Medical Board of California, would direct the deposit of the application and renewal fees into this account, and would continuously appropriate those funds to the committee for purposes of the act.

Amended analysis of 4/26/12:

This bill amendment would delete language from the 3/29/12 version and now make it unlawful for a person to use the title “certified surgical technologist” unless the person meets certain educational requirements and holds a certification by a specified entity.

Amended analysis of 6/26/12:

This amendment would clarify language related to health care practitioner.

Amended analysis of 8/6/12:

This bill amendment would specify that surgical technologists are coresponsible for activities related to the safety of the operating room and that the surgical technologist functions at the direction of, or subject to supervision by, a registered nurse as well as a physician and surgeon.

BOARD POSITION:**LEGISLATIVE COMMITTEE RECOMMENDED POSITION:****SUPPORT:**

California State Assembly of the Association of Surgical Technologists

OPPOSE:

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JUNE 26, 2012

AMENDED IN ASSEMBLY APRIL 26, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2561

Introduced by Assembly Member Roger Hernández

February 24, 2012

An act to add Article 25 (commencing with Section 2525.20) to Chapter 5 of Division 2 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2561, as amended, Roger Hernández. Certified surgical technologists.

Existing law provides for the licensure and regulation of healing arts licensees by boards within the Department of Consumer Affairs, including the licensure and regulation of physicians and surgeons by the Medical Board of California.

This bill would make it unlawful for a person to use the title “certified surgical technologist” unless the person meets certain educational requirements and holds a certification by a specified entity.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) Surgical technologists are ~~responsible~~ *coresponsible* for the environmental disinfection, safety, and efficiency of the operating room, and their knowledge and experience with aseptic surgical technique qualifies them for a role of importance in the surgical suite.

(b) The surgical technology profession has grown to meet the continuing demand for well-educated, highly skilled, and versatile individuals to work with physicians and surgeons and other skilled professionals to deliver the highest possible level of patient care.

(c) As surgical site infections have been found to be the second most common hospital-acquired infections in the United States, a key purpose of this article is to encourage the education, training, and utilization of surgical technologists in California, given their role in surgical settings in order to take specific steps to prevent surgical site infections.

SEC. 2. Article 25 (commencing with Section 2525.20) is added to Chapter 5 of Division 2 of the Business and Professions Code, to read:

Article 25. Certified Surgical Technologists

2525.20. This article shall be known and cited as the Certified Surgical Technologist Act.

2525.22. As used in this article, the following definitions shall apply:

(a) "Certified surgical technologist" means a person who practices surgical technology, and who has successfully completed a nationally accredited educational program for surgical technologists and holds and maintains certification as a surgical technologist by any of the entities described in Section 2525.24.

(b) "Surgical technology" means intraoperative surgical patient care as follows:

(1) ~~Preparing~~ *At the direction of, or subject to supervision by, a physician and surgeon, or registered nurse, preparing the operating room for surgical procedures by ensuring that surgical equipment is functioning properly and safely.*

1 (2) ~~Preparing~~ *At the direction of, or subject to supervision by,*
2 *a physician and surgeon, or registered nurse, preparing the*
3 operating room and the sterile field for surgical procedures by
4 preparing sterile supplies, instruments, and equipment using sterile
5 technique.

6 (3) Anticipating the needs of the surgical team based on
7 knowledge of human anatomy and pathophysiology and how they
8 relate to the surgical patient and the patient's surgical procedure.

9 (4) As directed in an operating room setting, performing the
10 following tasks at the sterile field:

11 (A) Passing supplies, equipment, or instruments.
12 (B) Sponging or suctioning an operative site.
13 (C) Preparing and cutting suture material.
14 (D) Transferring and pouring irrigation fluids.
15 (E) Transferring but not administering drugs within the sterile
16 field.

17 (F) Handling specimens.
18 (G) Holding retractors and other instruments.
19 (H) Applying electrocautery to clamps on bleeders.
20 (I) Connecting drains to suction apparatus.
21 (J) Applying dressings to closed wounds.
22 (K) Assisting in counting sponges, needles, supplies, and
23 instruments with the registered nurse circulator.

24 (L) Cleaning and preparing instruments for sterilization on
25 completion of the surgery.

26 (M) Assisting the surgical team with cleaning of the operating
27 room on completion of the surgery.

28 2525.24. (a) It shall be unlawful for a person to use the title
29 “certified surgical technologist” in this state unless the person
30 satisfies the following requirements:

31 (1) The person has successfully completed a nationally
32 accredited educational program for surgical technologists or a
33 training program for surgical technology provided by the United
34 States Army, Navy, Air Force, Marine Corps, Coast Guard, or
35 Public Health Service.

36 (2) The person holds and maintains certification as a surgical
37 technologist by the National Board of Surgical Technology and
38 Surgical Assisting or its successor, or another nationally accredited
39 surgical technologist credentialing organization.

1 (b) A violation of this section shall not be subject to Section
2 2314.

3 2525.30. This article does not repeal, modify, or amend any
4 existing law relating to the supervision of surgical technologists,
5 nor shall it be construed to do so.

6 2525.31. This article does not prohibit or limit any health care
7 practitioner from performing a task or function within his or her
8 scope of practice, nor shall it be construed as such. For purposes
9 of this section, “health care practitioner” means any person who
10 engages in acts that are the subject of licensure or regulation under
11 this division or under any initiative act referred to in this division.

12 2525.32. This article does not apply to any of the following:

13 (a) A registered nurse licensed pursuant to Chapter 6
14 (commencing with Section 2700) or a vocational nurse licensed
15 pursuant to Chapter 6.5 (commencing with Section 2840).

16 (b) An individual employed by a health care facility whose
17 primary functions include the cleaning or sterilization of supplies,
18 instruments, equipment, or operating rooms.

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Hill	BILL NUMBER:	AB 2570
SPONSOR:	Hill	BILL STATUS:	Senate, 3 rd Reading
SUBJECT:	Licensees: settlement agreements	DATE LAST AMENDED:	8/6/12

SUMMARY:

Existing law provides that it is a cause for suspension, disbarment, or other discipline for an attorney to agree or seek agreement that the professional misconduct or the terms of a settlement of a claim for professional misconduct are not to be reported to the disciplinary agency, or to agree or seek agreement that the plaintiff shall withdraw a disciplinary complaint or not cooperate with an investigation or prosecution conducted by the disciplinary agency.

ANALYSIS:

This bill would prohibit a licensee who is regulated by the Department of Consumer Affairs or various boards, bureaus, or programs, or an entity or person acting as an authorized agent of a licensee, from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program, or that requires the other party to withdraw a complaint from the department, board, bureau, or program. A licensee in violation of these provisions would be subject to disciplinary action by the board, bureau, or program. The bill would also prohibit a board, bureau, or program from requiring its licensees in a disciplinary action that is based on a complaint or report that has been settled in a civil action to pay additional moneys to the benefit of any plaintiff in the civil action.

Amended analysis of 8/6/12:

Added to background information: Existing law prohibits a physician and surgeon from including specified provisions in an agreement to settle a civil dispute arising from his or her practice. Except as specified, existing law authorizes any interested person to petition a state agency requesting the adoption of a regulation.

This bill amendment would authorize a board, bureau, or program within the Department of Consumer Affairs to adopt a regulation exempting agreements to settle certain causes of action from these provisions.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

Board of Behavioral Sciences
California Public Interest Research Group
Center for Public Interest Law
Consumer Federation of California
Consumers for Auto Reliability and Safety
Medical Board of California
Physical Therapy Board of California

OPPOSE:

American Council of Engineering Companies
Board of Pharmacy
California Board of Accountancy

AMENDED IN SENATE AUGUST 6, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2570

Introduced by Assembly Member Hill
(Coauthor: Senator Correa)

February 24, 2012

An act to add Section 143.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2570, as amended, Hill. Licensees: settlement agreements.

Existing law provides that it is a cause for suspension, disbarment, or other discipline for an attorney to agree or seek agreement that the professional misconduct or the terms of a settlement of a claim for professional misconduct are not to be reported to the disciplinary agency, or to agree or seek agreement that the plaintiff shall withdraw a disciplinary complaint or not cooperate with an investigation or prosecution conducted by the disciplinary agency. *Existing law prohibits a physician and surgeon from including specified provisions in an agreement to settle a civil dispute arising from his or her practice. Except as specified, existing law authorizes any interested person to petition a state agency requesting the adoption of a regulation.*

This bill would prohibit a licensee who is regulated by the Department of Consumer Affairs or various boards, bureaus, or programs, or an entity or person acting as an authorized agent of a licensee, from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program, or that requires the other party to withdraw

a complaint from the department, board, bureau, or program, *except as specified*. A licensee in violation of these provisions would be subject to disciplinary action by the board, bureau, or program. The bill would also prohibit a board, bureau, or program from requiring its licensees in a disciplinary action that is based on a complaint or report that has been settled in a civil action to pay additional moneys to the benefit of any plaintiff in the civil action.

This bill would authorize a board, bureau, or program within the Department of Consumer Affairs to adopt a regulation exempting agreements to settle certain causes of action from these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 143.5 is added to the Business and
2 Professions Code, to read:
3 143.5. (a) No licensee who is regulated by a board, bureau, or
4 program within the Department of Consumer Affairs, nor an entity
5 or person acting as an authorized agent of a licensee, shall include
6 or permit to be included a provision in an agreement to settle a
7 civil dispute, whether the agreement is made before or after the
8 commencement of a civil action, that prohibits the other party in
9 that dispute from contacting, filing a complaint with, or cooperating
10 with the department, board, bureau, or program *within the*
11 *Department of Consumer Affairs that regulates the licensee* or that
12 requires the other party to withdraw a complaint from the
13 department, board, bureau, or program *within the Department of*
14 *Consumer Affairs that regulates the licensee*. A provision of that
15 nature is void as against public policy, and any licensee who
16 includes or permits to be included a provision of that nature in a
17 settlement agreement is subject to disciplinary action by the board,
18 bureau, or program.
19 (b) Any board, bureau, or program within the Department of
20 Consumer Affairs that takes disciplinary action against a licensee
21 or licensees based on a complaint or report that has also been the
22 subject of a civil action and that has been settled for monetary
23 damages providing for full and final satisfaction of the parties may
24 not require its licensee or licensees to pay any additional sums to
25 the benefit of any plaintiff in the civil action.

1 (c) As used in this section, “board” shall have the same meaning
2 as defined in Section 22, and “licensee” means a person who has
3 been granted a license, as that term is defined in Section 23.7.

4 (d) *Notwithstanding any other law, upon granting a petition*
5 *filed by a licensee or authorized agent of a licensee pursuant to*
6 *Section 11340.6 of the Government Code, a board, bureau, or*
7 *program within the Department of Consumer Affairs may, based*
8 *upon evidence and legal authorities cited in the petition, adopt a*
9 *regulation that does both of the following:*

10 (1) *Identifies a code section or jury instruction in a civil cause*
11 *of action that has no relevance to the board’s, bureau’s, or*
12 *program’s enforcement responsibilities such that an agreement*
13 *to settle such a cause of action based on that code section or jury*
14 *instruction otherwise prohibited under subdivision (a) will not*
15 *impair the board’s, bureau’s, or program’s duty to protect the*
16 *public.*

17 (2) *Exempts agreements to settle such a cause of action from*
18 *the requirements of subdivision (a).*

19 (e) *This section shall not apply to a licensee subject to Section*
20 *2220.7.*

21 SEC. 2. (a) *Nothing in Section 143.5 of the Business and*
22 *Professions Code shall be construed as limiting the discretion of*
23 *a board, bureau, or program to decline to grant a petition or adopt*
24 *a regulation.*

25 (b) *Nothing in Section 143.5 of the Business and Professions*
26 *Code shall be construed as prohibiting a licensee from including*
27 *in an agreement to settle a civil dispute any provision that is*
28 *otherwise not prohibited.*

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Bonilla	BILL NUMBER:	AJR 24
SPONSOR:	California School Nurses Organization	BILL STATUS:	Resolution Chapter 55
SUBJECT:	Proposed federal Student-to-School Nurse Ratio Improvement Acts of 2011 and 2012.	DATE LAST AMENDED:	4/10/12

SUMMARY:

The resolution includes 18 *Whereas* clauses that address the role of the school nurse including: The American Academy of Pediatrics emphasizes the crucial role school nurses have in the seamless provision of comprehensive health services to children and youth, as well as in the development of a coordinated school health program.

ANALYSIS:

This measure would urge the members of California's congressional delegation to sign on as cosponsors of, and request that the Congress and the President of the United States enact, the proposed federal Student-to-School Nurse Ratio Improvement Act of 2011.

Amended analysis of 3/19/12:

This amendment would urge the members of California's congressional delegation to sign on as cosponsors of, and request that the Congress and the President of the United States enact, the proposed federal Student-to-School Nurse Ratio Improvement Act of 2011 or the proposed federal Student-to-School Nurse Ratio Improvement Act of 2012.

Amended analysis of 4/10/12:

There amendment reflects that there is just one school nurse for every 2,172 pupils in California, which is well below the national standard of one nurse for every 750 pupils. There are no school nurses at all in 15 California counties.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

California Parent Teacher Association
United Nurses Association of California/Union of Healthcare Professionals

OPPOSE:

None on file.

Assembly Joint Resolution No. 24

RESOLUTION CHAPTER 55

Assembly Joint Resolution No. 24—Relative to the proposed federal Student-to-School Nurse Ratio Improvement Acts of 2011 and 2012.

[Filed with Secretary of State June 18, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 24, Bonilla. Proposed federal Student-to-School Nurse Ratio Improvement Acts of 2011 and 2012.

This measure would urge the members of California's congressional delegation to sign on as cosponsors of, and request that the Congress and the President of the United States enact, the proposed federal Student-to-School Nurse Ratio Improvement Act of 2011 or the proposed federal Student-to-School Nurse Ratio Improvement Act of 2012.

WHEREAS, The American Academy of Pediatrics emphasizes the crucial role school nurses have in the seamless provision of comprehensive health services to children and youth, as well as in the development of a coordinated school health program; and

WHEREAS, The school nurse functions as a leader and the coordinator of the school health services team, facilitating access to a medical home for each child and supporting school achievement; and

WHEREAS, The school nurse is often the only health care provider that a child has and can ensure that basic health needs are met; and

WHEREAS, Recent national data indicates 45 percent of public schools have a school nurse all day, every day, while another 30 percent of schools have a school nurse who works part time in one or more schools; and

WHEREAS, There is just one school nurse for every 2,172 pupils in California, which is well below the national standard of one nurse for every 750 pupils. There are no school nurses at all in 15 California counties; and

WHEREAS, The dearth of nurses has left many schools struggling to cope with rising rates of childhood illnesses such as asthma, food allergies, diabetes, and seizure disorders; and

WHEREAS, The American Nurses Association has reported that, when there is no registered nurse on the school premises, the responsibility to administer the necessary medications and treatments, and to carry out appropriate monitoring of the children, falls on the shoulders of administrators, educators, and staff, who are ill-prepared to perform these tasks; and

WHEREAS, Statistics from the National Center for Education Statistics indicate that, of the 52,000,000 children who currently spend their day in

schools, 16 percent have chronic physical, emotional, or other health problems; and

WHEREAS, A recent study indicated that from 2002 to 2008, inclusive, the percentage of children in special education with health impairments, due to chronic or acute health problems, increased 60 percent. Within this group the rate of autism has doubled since 2002; and

WHEREAS, A 40-percent increase in asthma has been seen in the past 10 years, along with a nearly 50-percent increase in the incidence of diabetes in the same time period; and

WHEREAS, Nearly 10 percent of schoolage children in California suffer from asthma; and

WHEREAS, According to the American Academy of Pediatrics, students today face increased social issues as well as the need for preventative services and interventions for acute and chronic health issues; and

WHEREAS, The federal Centers for Disease Control and Prevention report that the percentage of children without health insurance was 8.9 percent in 2008, and with over 1,300,000 homeless children in the United States, schools have become the only source of health care for many children and adolescents; and

WHEREAS, Communicable and infectious diseases account for millions of school days lost each year. There is reported evidence that school nurses have a positive impact on immunization rates, with fewer parent-requested exemptions; and

WHEREAS, A recent study showed that students with health concerns attended to by school nurses were able to return to class 95 percent of the time, while students attended to by unlicensed staff were only able to return to class 82 percent of the time; and

WHEREAS, The presence of a school nurse leads to increases in student attendance and the units of average daily attendance that a school district may claim; and

WHEREAS, Using a formula-based approach for determining a balanced student-to-school nurse ratio offers a reasonable means for achieving better outcomes; and

WHEREAS, The federal Student-to-School Nurse Ratio Improvement Act of 2011 (HR 2229) and the federal Student-to-School Nurse Ratio Improvement Act of 2012 (S 2047) have been introduced in Congress with the purpose of reducing the student-to-school nurse ratio in public elementary schools and secondary schools; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature respectfully urges the members of California's congressional delegation to sign on as cosponsors of the proposed federal Student-to-School Nurse Ratio Improvement Act of 2011 (HR 2229) or the proposed federal Student-to-School Nurse Ratio Improvement Act of 2012 (S 2047); and be it further

Resolved, That the Legislature respectfully requests that the Congress and the President of the United States enact the federal Student-to-School Nurse Ratio Improvement Act of 2011 (HR 2229) or the federal

Student-to-School Nurse Ratio Improvement Act of 2012 (S 2047); and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

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**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Senate Committee on Budget and Fiscal Review	BILL NUMBER:	SB 98
SPONSOR:		BILL STATUS:	Chapter 4, Statutes of 2012
SUBJECT:	Nursing	DATE LAST AMENDED:	1/26/12

SUMMARY:

Existing law, the Nursing Practice Act, provides for the licensure and regulation of registered nurses. The Board of Registered Nursing, which was repealed on January 1, 2012, administered the provisions of that act.

Existing law requires that the board consist of 2 public members and 5 licensees appointed by the Governor, one public member appointed by the Senate Committee on Rules, and one public member appointed by the Speaker of the Assembly. Under existing law, all appointments to the board are for a term of 4 years.

ANALYSIS:

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

This bill would establish a new Board of Registered Nursing, would vest that board with the same powers as the previous board of the same name, and would require the board to appoint an executive officer.

The bill would repeal the authority of the board and its executive officer on January 1, 2016.

The bill would require the executive officer of the prior board to serve as interim executive officer of the new board until the appointment of a permanent executive officer, as specified.

The bill would also ratify and declare valid a specified interagency agreement entered into between the Board of Registered Nursing and the director of the department and would enact other related provisions.

This bill would require that one of the initial public members appointed by the Governor serve a term of one year, that the other public member initially appointed by the Governor serve a term of 5 years, that the initial licensed members serve terms of 2, 3, or 4 years, as specified, and that the

initial public members appointed by the Senate Committee on Rules and the Speaker of the Assembly serve terms of 4 years.

The bill would appropriate specified sums from the Board of Registered Nursing Fund to the Board of Registered Nursing for purposes of administering the Nursing Practice Act.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

Identified for Senate Budget and Fiscal Review Committee:

California Hospital Association

American Federation of State, County and Municipal
Employees (AFSCME)

SEIU California

OPPOSE:

None on file.

Senate Bill No. 98

CHAPTER 4

An act to amend Sections 130, 2702, and 2703 of, and to add and repeal Sections 2701 and 2708 of, the Business and Professions Code, relating to healing arts, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor February 14, 2012. Filed with
Secretary of State February 14, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SB 98, Committee on Budget and Fiscal Review. Nursing.

Existing law, the Nursing Practice Act, provides for the licensure and regulation of registered nurses. The Board of Registered Nursing, which was repealed on January 1, 2012, administered the provisions of that act.

This bill would establish a new Board of Registered Nursing, would vest that board with the same powers as the previous board of the same name, and would require the board to appoint an executive officer. The bill would repeal the authority of the board and its executive officer on January 1, 2016. The bill would require the executive officer of the prior board to serve as interim executive officer of the new board until the appointment of a permanent executive officer, as specified. The bill would also ratify and declare valid a specified interagency agreement entered into between the Board of Registered Nursing and the director of the department and would enact other related provisions.

Existing law requires that the board consist of 2 public members and 5 licensees appointed by the Governor, one public member appointed by the Senate Committee on Rules, and one public member appointed by the Speaker of the Assembly. Under existing law, all appointments to the board are for a term of 4 years.

This bill would require that one of the initial public members appointed by the Governor serve a term of one year, that the other public member initially appointed by the Governor serve a term of 5 years, that the initial licensed members serve terms of 2, 3, or 4 years, as specified, and that the initial public members appointed by the Senate Committee on Rules and the Speaker of the Assembly serve terms of 4 years.

The bill would appropriate specified sums from the Board of Registered Nursing Fund to the Board of Registered Nursing for purposes of administering the Nursing Practice Act.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 130 of the Business and Professions Code is amended to read:

130. (a) Notwithstanding any other provision of law, the term of office of any member of an agency designated in subdivision (b) shall be for a term of four years expiring on June 1.

(b) Subdivision (a) applies to the following boards or committees:

- (1) The Medical Board of California.
- (2) The California Board of Podiatric Medicine.
- (3) The Physical Therapy Board of California.
- (4) The Board of Registered Nursing, except as provided in subdivision (c) of Section 2703.
- (5) The Board of Vocational Nursing and Psychiatric Technicians.
- (6) The State Board of Optometry.
- (7) The California State Board of Pharmacy.
- (8) The Veterinary Medical Board.
- (9) The California Architects Board.
- (10) The Landscape Architect Technical Committee.
- (11) The Board for Professional Engineers and Land Surveyors.
- (12) The Contractors' State License Board.
- (13) The State Board of Guide Dogs for the Blind.
- (14) The Board of Behavioral Sciences.
- (15) The Court Reporters Board of California.
- (16) The State Athletic Commission.
- (17) The Osteopathic Medical Board of California.
- (18) The Respiratory Care Board of California.
- (19) The Acupuncture Board.
- (20) The Board of Psychology.

SEC. 2. Section 2701 is added to the Business and Professions Code, to read:

2701. (a) There is in the Department of Consumer Affairs the Board of Registered Nursing consisting of nine members.

(b) For purposes of this chapter, "board," or "the board," refers to the Board of Registered Nursing. Any reference in state law to the Board of Nurse Examiners of the State of California or the California Board of Nursing Education and Nurse Registration shall be construed to refer to the Board of Registered Nursing.

(c) The board shall have all authority vested in the previous board under this chapter. The board may enforce all disciplinary actions undertaken by the previous board.

(d) This section shall remain in effect only until January 1, 2016, and as of that date, is repealed, unless a later enacted statute that is enacted before January 1, 2016, deletes or extends that date. Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 3. Section 2702 of the Business and Professions Code is amended to read:

2702. (a) Each member of the board shall be a citizen of the United States and a resident of the State of California.

(b) Four members shall represent the public at large, and shall not be licensed under any board under this division or any board referred to in Section 1000 or 3600 and shall have no pecuniary interests in the provision of health care services.

(c) Two members shall be licensed registered nurses under the provisions of this chapter, each of whom shall be active in the practice of his or her profession engaged primarily in direct patient care with at least five continuous years of experience, and who shall not be engaged as an educator or administrator of a nursing education program under the provisions of this chapter.

(d) One member shall be a licensed registered nurse who shall be active as an advanced practice registered nurse as defined in Section 2725.5.

(e) One member shall be a licensed registered nurse under the provisions of this chapter who shall be active as an educator or administrator in an approved program to train registered nurses.

(f) One member shall be a licensed registered nurse who is an administrator of a nursing service with at least five continuous years of experience.

SEC. 4. Section 2703 of the Business and Professions Code is amended to read:

2703. (a) Except as provided in subdivision (c), all appointments shall be for a term of four years and vacancies shall be filled for the unexpired term. No person shall serve more than two consecutive terms.

(b) The Governor shall appoint two of the public members and the licensed members of the board qualified as provided in Section 2702. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

(c) The initial appointments shall be for the following terms:

(1) One public member appointed by the Governor shall serve a term of one year. The other public member appointed by the Governor shall serve a term of five years.

(2) One licensed member described in subdivision (c) of Section 2702 shall serve a term of two years. The other licensed member described in subdivision (c) of Section 2702 shall serve a term of three years. The licensed member described in subdivision (e) of Section 2702 shall serve a term of four years. Of the two remaining licensed members, one shall serve a term of two years, and the other shall serve a term of three years.

(3) Each public member appointed by the Senate Committee on Rules or the Speaker of the Assembly shall serve a term of four years.

SEC. 5. Section 2708 is added to the Business and Professions Code, to read:

2708. (a) The board shall appoint an executive officer who shall perform the duties delegated by the board and who shall be responsible to it for the accomplishment of those duties.

(b) The executive officer shall be a nurse currently licensed under this chapter and shall possess other qualifications as determined by the board.

(c) The executive officer shall not be a member of the board.

(d) Notwithstanding any other provision of law, the person serving on December 31, 2011, as executive officer of the board shall serve as an interim executive officer until the board appoints a permanent executive officer. The board may appoint this interim executive officer as the permanent executive officer.

(e) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

SEC. 6. (a) Notwithstanding any other provision of law, the interagency agreement entered into between the Board of Registered Nursing and the Director of Consumer Affairs on December 14, 2011, shall be construed as valid, shall remain in force until the board is reconstituted, and shall not constitute a violation of Section 102.3 of the Business and Professions Code, the Nursing Practice Act (Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code), or any other provision of law. The Legislature acknowledges the authority of the board and the department to have entered into the interagency agreement and hereby ratifies the agreement. All acts taken by the department pursuant to the interagency agreement are hereby authorized, confirmed, validated, and declared legally effective; however, this section shall not operate to authorize, confirm, validate, or legalize any act, proceeding, or other matter that, before the effective date of this act, has been determined in a legal proceeding to be illegal, void, or ineffective.

(b) The board may enforce all actions undertaken by the director pursuant to any powers authorized by the interagency agreement referred to in subdivision (a). The board may confirm the decisions and actions of the department taken pursuant to that interagency agreement; however, the failure to obtain a confirmation shall not affect the legality of the department's decisions and actions.

SEC. 7. Any action or proceeding challenging the validity of any matter authorized by this act shall be brought in accordance with, and within the timeframe specified in, Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 8. There is hereby appropriated to the Board of Registered Nursing created pursuant to Section 2 of this act the following sums for the purpose of administering the Nursing Practice Act (Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code):

(a) The unencumbered funds in the Board of Registered Nursing Fund that were appropriated to the Board of Registered Nursing in the Budget Act of 2011.

(b) The sum of one thousand dollars (\$1,000) from the money in the Board of Registered Nursing Fund that is not continuously appropriated pursuant to Section 207 of the Business and Professions Code.

SEC. 9. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Price	BILL NUMBER:	SB 122
SPONSOR:	Price	BILL STATUS:	Assembly, 3rd Reading
SUBJECT:	Healing Arts	DATE LAST AMENDED:	8/20/12

SUMMARY:

Existing law, until January 1, 2012, creates within the Department of Consumer Affairs the Board of Registered Nursing, and makes the board responsible for the licensure and regulation of registered nurses.

Existing law requires the board to meet quarterly.

Existing law defines the term “approved school of nursing” and requires the board to approve and regulate registered nursing schools that are institutions of higher education or are affiliated with an institution of higher education, as specified.

Existing law requires a school of nursing that is not affiliated with an institution of higher education to make an agreement with such an institution for purposes of awarding nursing degrees.

Existing law provides that it is unlawful for anyone to conduct a school of nursing unless the school has been approved by the board.

ANALYSIS:

This bill would require meetings of the board to be held in northern and southern California.

This bill would delete the provisions requiring an agreement and would instead require that a school of nursing that is not an institution of higher education or that is affiliated with an institution of higher education, and that is subject to the requirements set forth in the California Private Postsecondary Education Act of 2009, obtain board approval to grant nursing degrees.

The bill would require new nursing schools seeking board approval to be recognized or approved by an accrediting agency recognized by the United States Department of Education.

The bill would specify that the term “approved school of nursing” includes an approved nursing program.

The bill would subject all approved schools of nursing to specified fees for deposit into the Board of Registered Nursing Fund, a continuously appropriated fund. Because the bill adds a new source of revenue to a continuously appropriated fund, the bill would make an appropriation.

- The fee for approval of a school of nursing shall be five thousand dollars (\$5,000).
- The fee for continuing approval of a new nursing program shall be three thousand five hundred dollars (\$3,500).
- The processing fee for authorization of a substantive change to an approval of a school of nursing shall be five hundred dollars (\$500).

This bill would authorize the board to issue cease and desist orders to a school of nursing that is not approved by the board and would require the board to notify the office of the Attorney General of such a school. The bill would also provide that it is unprofessional conduct for any registered nurse to violate that provision.

Amended analysis of 1/10/12:

This bill amendment would delete the requirement for recognition or approval of a new nursing school by an accrediting agency recognized by the U.S. Department of Education.

Amended analysis of 6/12/12:

This bill would add provisions related to the Medical Board of California and to massage therapists, with the resultant change in bill title from Nursing to Healing Arts.

This bill amendment would delete the provisions requiring an agreement between a school of nursing that is not affiliated with an institution of higher education and such institution for purposes of awarding nursing degrees. It would instead allow the board to approve a school of nursing that is affiliated with an institution of higher education, and that is subject to the requirements set forth in the California Private Postsecondary Education Act of 2009, to grant nursing degrees.

This bill amendment would also require the board to have a memorandum of understanding with the Bureau for Private Postsecondary Education to ensure that institutions approved by the bureau shall not be required to pay an additional application fee to the bureau for the addition of a school of nursing approved by the board, and to delineate the powers of the board and bureau, as specified.

This bill amendment would specify that the fee for continuing approval of a nursing program established after January 1, 2013, shall be three thousand five hundred dollars (\$3,500).

Lastly, this bill amendment would require the board to also notify the office of the Attorney General of a school of nursing that has not received board approval.

Amended analysis of 6/21/12:

This bill amendment would provide that the memorandum of understanding with the Bureau for Private Postsecondary Education delineate the powers of the board to review and approve schools of nursing and the powers of the bureau to protect the interest of students attending institutions governed by the Private Postsecondary Education Act of 2009.

Amended analysis of 7/2/12:

This bill amendment deleted the provisions related to the Medical Board of California.

Amended analysis of 8/20/12:

This bill amendment adds provisions related to the Medical Board of California, and deletes provisions related to massage therapists. There are no changes related to the Board of Registered Nursing.

BOARD POSITION: Support

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

California School Nurses Organization

OPPOSE:

None on file.

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY JULY 2, 2012

AMENDED IN ASSEMBLY JUNE 21, 2012

AMENDED IN ASSEMBLY JUNE 12, 2012

AMENDED IN SENATE JANUARY 10, 2012

AMENDED IN SENATE JANUARY 4, 2012

SENATE BILL

No. 122

Introduced by Senator Price

January 24, 2011

An act to amend Sections 2709, 2786, and 2798, ~~4600, 4601, 4602, 4602.5, 4603, 4603.7, 4612, and 4613~~ of, and to add Sections 2135.7, 2786.2, and 2786.5, ~~and 4603.8~~ to, the Business and Professions Code, relating to healing arts, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 122, as amended, Price. Healing Arts.

(1) Existing law provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law requires the board to issue a license to an applicant who meets specified qualifications and requirements, including successfully completing a medical curriculum, as specified, in a medical school or schools located in the United States or Canada approved by the board, or in a medical school located outside the United States or Canada that otherwise meets specified requirements. Existing law requires the board to issue a license to an applicant who, among other things, (A) holds an unlimited license as a physician and surgeon in another state or

states or a Canadian province or provinces, (B) has held an unrestricted license to practice medicine for at least 4 years, (C) has passed a written examination recognized by the board to be equivalent in context to that administered in California, (D) the board has determined has (i) not had disciplinary action taken against him or her, (ii) not been the subject of an adverse judgment or settlement, and (iii) has not committed any acts or crimes constituting grounds for denial of a certificate, in each case, as specified, (E) has completed specified postgraduate training, and (F) is board certified in a specialty, as specified.

This bill would, upon review and recommendation, authorize the board to determine that an applicant for a physician and surgeon's certificate who acquired his or her medical education or a portion thereof at a foreign medical school that is not recognized or has been previously disapproved by the board is eligible for a certificate if the applicant (1) successfully completes a course of medical instruction leading to a degree of medical doctor, (2) holds an unlimited and unrestricted license in another state or federal territory and practiced for 10 or 20 years depending on whether the medical education was acquired from an unrecognized or previously disapproved foreign medical school, (3) is certified by a specified specialty board, (4) has successfully taken and passed specified examinations, (5) has not been the subject of specified disciplinary action or of adverse judgments or settlements, (6) has successfully completed 3 years of approved postgraduate training, (7) is not subject to denial of licensure under specified provisions, and (8) has not held a healing arts license and been subject to disciplinary action by specified healing arts boards. The bill would also authorize the board to adopt specified regulations concerning the acceptance of records when originals are not available and substitution of board certifications for years of practice or licensure when considering an application for a certificate pursuant to these provisions.

~~(1)~~

(2) Existing law creates within the Department of Consumer Affairs the Board of Registered Nursing, and makes the board responsible for the licensure and regulation of registered nurses. Existing law requires the board to meet quarterly.

This bill would require meetings of the board to be held in northern and southern California.

~~(2)~~

(3) Existing law defines the term “approved school of nursing” and requires the board to approve and regulate registered nursing schools that are institutions of higher education or are affiliated with an institution of higher education, as specified. Existing law requires a school of nursing that is not affiliated with an institution of higher education to make an agreement with such an institution for purposes of awarding nursing degrees.

This bill would delete the provisions requiring an agreement and would instead allow the board to approve a school of nursing that is affiliated with an institution of higher education, and that is subject to the requirements set forth in the California Private Postsecondary Education Act of 2009 to grant nursing degrees. The bill would specify that the term “approved school of nursing” includes an approved nursing program. The bill would subject all approved schools of nursing to specified fees for deposit into the Board of Registered Nursing Fund, a continuously appropriated fund. Because the bill adds a new source of revenue to a continuously appropriated fund, the bill would make an appropriation.

The bill would require the board to have a memorandum of understanding with the Bureau for Private Postsecondary Education to delineate the powers of the board and bureau, as specified.

(3)

(4) Existing law provides that it is unlawful for anyone to conduct a school of nursing unless the school has been approved by the board.

This bill would authorize the board to issue cease and desist orders to a school of nursing that is not approved by the board and would require the board to notify the Bureau for Private Postsecondary Education and the office of the Attorney General of such a school. The bill would also provide that it is unprofessional conduct for any registered nurse to violate that provision.

~~(4) Existing law, until January 1, 2015, provides for the voluntary certification of massage practitioners and massage therapists by the California Massage Therapy Council. Existing law specifies the requirements for the council to issue to an applicant a certificate as a massage therapist, including, but not limited to, (A) successfully completing curricula in massage and related subjects totaling a minimum of 500 hours, a minimum of 250 hours of which shall be from a school approved by the council and the other 250 hours may be secured as specified, or (B) passing a massage and bodywork competency assessment examination, as specified.~~

This bill would require an applicant for a massage therapist certificate to meet the other requirements for certification and to also successfully complete either (A) the 500 hours or the credit unit equivalent, as specified above, or (B) the competency assessment examination, as specified above, and curricula in massage and related subjects totaling a minimum of 250 hours, at a single approved school.

~~(5) Existing law requires the council to immediately suspend, on an interim basis, the certificate of a certificate holder, if the council receives notice that a certificate holder has been arrested for and charged with, among other crimes, soliciting or engaging in an act of prostitution or an act punishable as sexually related crime, and to provide notices of the suspension to the certificate holder and any business that employs the certificate holder, in each case, as specified.~~

~~This bill would, additionally, require the council to immediately suspend the certificate of a certificate holder upon receipt of clear and convincing evidence that the holder has committed an act punishable as a sexually related crime or felony. The bill would also require the council to consider any available credible mitigating evidence before making a decision to so suspend a certificate. The bill would grant the holder of a certificate so suspended the right to a hearing to be held within 30 days, and require the council to send notice of suspension to the certificate holder and to other specified businesses.~~

~~(6) Existing law requires the council, upon request of a law enforcement agency or local government agency with responsibility for regulating massage or massage business, to provide information concerning a certificate holder, as specified.~~

~~This bill would authorize those local agencies, upon request of the council, to provide information to the council concerning an applicant or certificate holder, including, but not limited to, information related to criminal activity or unprofessional conduct allegedly engaged in by that person.~~

~~(7) Under existing law, conviction of a felony that is substantially related to the qualifications or duties of a certificate holder is a violation and basis for the council to deny an application or discipline a certificate holder.~~

~~This bill would also impose those consequences for a conviction of a felony, misdemeanor, infraction, or municipal code violation, or liability in an administrative or civil action, that is substantially related to the qualifications, functions, or duties of a certificate holder. The bill~~

would also require a certificate holder to provide identifying information, upon request, as specified.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 2135.7 is added to the Business and*
2 *Professions Code, to read:*

3 2135.7. (a) *Upon review and recommendation, the board may*
4 *determine that an applicant for a physician and surgeon's*
5 *certificate who acquired his or her medical education or a portion*
6 *thereof at a foreign medical school that is not recognized or has*
7 *been previously disapproved by the board is eligible for a physician*
8 *and surgeon's certificate if the applicant meets all of the following*
9 *criteria:*

10 (1) *Has successfully completed a resident course of medical*
11 *education leading to a degree of medical doctor equivalent to that*
12 *specified in Sections 2089 to 2091.2, inclusive.*

13 (2) (A) (i) *For an applicant who acquired any part of his or*
14 *her medical education from an unrecognized foreign medical*
15 *school, he or she holds an unlimited and unrestricted license as a*
16 *physician and surgeon in another state or federal territory and*
17 *has held that license and continuously practiced for a minimum*
18 *of 10 years prior to the date of application.*

19 (ii) *For an applicant who acquired any part of his or her*
20 *professional instruction from a foreign medical school previously*
21 *disapproved by the board, he or she holds an unlimited and*
22 *unrestricted license as a physician and surgeon in another state*
23 *or federal territory and has held that license and continuously*
24 *practiced for a minimum of 20 years prior to the date of*
25 *application.*

26 (B) *For the purposes of clauses (i) and (ii) of subparagraph*
27 *(A), the board may combine the period of time that the applicant*
28 *has held an unlimited and unrestricted license in other states or*
29 *federal territories and continuously practiced therein, but each*
30 *applicant under this section shall have a minimum of five years*
31 *continuous licensure and practice in a single state or federal*
32 *territory. For purposes of this paragraph, continuous licensure*
33 *and practice includes any postgraduate training after 24 months*

1 *in a postgraduate training program that is accredited by the*
2 *Accreditation Council for Graduate Medical Education (ACGME)*
3 *or postgraduate training completed in Canada that is accredited*
4 *by the Royal College of Physicians and Surgeons of Canada*
5 *(RCPSC).*

6 *(3) Is certified by a specialty board that is a member board of*
7 *the American Board of Medical Specialties.*

8 *(4) Has successfully taken and passed the examinations*
9 *described in Article 9 (commencing with Section 2170).*

10 *(5) Has not been the subject of a disciplinary action by a medical*
11 *licensing authority or of adverse judgments or settlements resulting*
12 *from the practice of medicine that the board determines constitutes*
13 *a pattern of negligence or incompetence.*

14 *(6) Has successfully completed three years of approved*
15 *postgraduate training. The postgraduate training required by this*
16 *paragraph shall have been obtained in a postgraduate training*
17 *program accredited by the ACGME or postgraduate training*
18 *completed in Canada that is accredited by the RCPSC.*

19 *(7) Is not subject to denial of licensure under Division 1.5*
20 *(commencing with Section 475) or Article 12 (commencing with*
21 *Section 2220).*

22 *(8) Has not held a healing arts license and been the subject of*
23 *disciplinary action by a healing arts board of this state or by*
24 *another state or federal territory.*

25 *(b) The board may adopt regulations to establish procedures*
26 *for accepting transcripts, diplomas, and other supporting*
27 *information and records when the originals are not available due*
28 *to circumstances outside the applicant's control. The board may*
29 *also adopt regulations authorizing the substitution of additional*
30 *specialty board certifications for years of practice or licensure*
31 *when considering the certification for a physician and surgeon*
32 *pursuant to this section.*

33 *(c) This section shall not apply to a person seeking to participate*
34 *in a program described in Sections 2072, 2073, 2111, 2112, 2113,*
35 *2115, or 2168, or seeking to engage in postgraduate training in*
36 *this state.*

37 **SECTION 1.**

38 **SEC. 2.** Section 2709 of the Business and Professions Code is
39 amended to read:

1 2709. The board for the purpose of transacting its business
2 shall meet at least once every three months, at times and places it
3 designates by resolution. Meetings shall be held in northern and
4 southern California.

5 ~~SEC. 2.~~

6 SEC. 3. Section 2786 of the Business and Professions Code is
7 amended to read:

8 2786. (a) An approved school of nursing, or an approved
9 nursing program, is one that has been approved by the board, gives
10 the course of instruction approved by the board, covering not less
11 than two academic years, is affiliated or conducted in connection
12 with one or more hospitals, and is an institution of higher
13 education. For purposes of this section, “institution of higher
14 education” includes, but is not limited to, community colleges
15 offering an associate of arts or associate of science degree and
16 private postsecondary institutions offering an associate of arts,
17 associate of science, or baccalaureate degree or an entry-level
18 master’s degree, and is an institution that is not subject to the
19 California Private Postsecondary Education Act of 2009 (Chapter
20 8 (commencing with Section 94800) of Part 59 of Division 10 of
21 Title 3 of the Education Code).

22 (b) A school of nursing that is affiliated with an institution that
23 is subject to the California Private Postsecondary Education Act
24 of 2009 (Chapter 8 (commencing with Section 94800) of Part 59
25 of Division 10 of Title 3 of the Education Code), may be approved
26 by the board to grant an associate of arts or associate of science
27 degree to individuals who graduate from the school of nursing or
28 to grant a baccalaureate degree in nursing with successful
29 completion of an additional course of study as approved by the
30 board and the institution involved.

31 (c) The board shall determine by regulation the required subjects
32 of instruction to be completed in an approved school of nursing
33 for licensure as a registered nurse and shall include the minimum
34 units of theory and clinical experience necessary to achieve
35 essential clinical competency at the entry level of the registered
36 nurse. The board’s standards shall be designed to require all schools
37 to provide clinical instruction in all phases of the educational
38 process.

39 (d) The board shall perform or cause to be performed an analysis
40 of the practice of the registered nurse no less than every five years.

1 Results of the analysis shall be utilized to assist in the
2 determination of the required subjects of instruction, validation of
3 the licensing examination, and assessment of the current practice
4 of nursing.

5 ~~SEC. 3.~~

6 *SEC. 4.* Section 2786.2 is added to the Business and Professions
7 Code, to read:

8 2786.2. A private postsecondary school of nursing approved
9 by the board pursuant to subdivision (b) of Section 2786 shall
10 comply with Chapter 8 of Part 59 of Division 10 of Title 3 of the
11 Education Code. The board shall have a memorandum of
12 understanding with the Bureau for Private Postsecondary Education
13 to delineate the powers of the board to review and approve schools
14 of nursing and the powers of the bureau to protect the interest of
15 students attending institutions governed by the *California* Private
16 Postsecondary Education Act of 2009, Chapter 8 (commencing
17 with Section 94800) of Division 10 of Title 3 of the Education
18 Code.

19 ~~SEC. 4.~~

20 *SEC. 5.* Section 2786.5 is added to the Business and Professions
21 Code, to read:

22 2786.5. (a) An institution of higher education or a private
23 postsecondary school of nursing approved by the board pursuant
24 to subdivision (b) of Section 2786 shall remit to the board for
25 deposit in the Board of Registered Nursing Fund the following
26 fees, in accordance with the following schedule:

27 (1) The fee for approval of a school of nursing shall be five
28 thousand dollars (\$5,000).

29 (2) The fee for continuing approval of a nursing program
30 established after January 1, 2013, shall be three thousand five
31 hundred dollars (\$3,500).

32 (3) The processing fee for authorization of a substantive change
33 to an approval of a school of nursing shall be five hundred dollars
34 (\$500).

35 (b) If the board determines that the annual cost of providing
36 oversight and review of a school of nursing, as required by this
37 article, is less than the amount of any fees required to be paid by
38 that institution pursuant to this article, the board may decrease the
39 fees applicable to that institution to an amount that is proportional
40 to the board's costs associated with that institution.

1 ~~SEC. 5.~~

2 *SEC. 6.* Section 2798 of the Business and Professions Code is
3 amended to read:

4 2798. (a) It is unlawful for anyone to conduct a school of
5 nursing unless the school has been approved by the board.

6 (b) If the board has a reasonable belief, either by complaint or
7 otherwise, that a school is allowing students to apply for its nursing
8 program and that nursing program does not have the approval of
9 the board, the board shall immediately order the school to cease
10 and desist from offering students the ability to enroll in its nursing
11 program. The board shall also notify the Bureau for Private
12 Postsecondary Education and the Attorney General's office that
13 the school is offering students the ability to enroll in a nursing
14 program that does not have the approval of the board.

15 (c) It shall be unprofessional conduct for any registered nurse
16 to violate or attempt to violate, either directly or indirectly, or to
17 assist or abet the violation of, this section.

18 (d) This section is not applicable to schools conducted under
19 Section 2789 of this chapter.

20 ~~SEC. 6.~~ ~~Section 4600 of the Business and Professions Code is~~
21 ~~amended to read:~~

22 ~~4600. As used in this chapter, the following terms shall have~~
23 ~~the following meanings:~~

24 (a) ~~"Approved school" or "approved massage school" means a~~
25 ~~school approved by the council that meets minimum standards for~~
26 ~~training and curriculum in massage and related subjects and that~~
27 ~~meets any of the following requirements:~~

28 (1) ~~Is approved by the Bureau for Private Postsecondary~~
29 ~~Education.~~

30 (2) ~~Is approved by the Department of Consumer Affairs.~~

31 (3) ~~Is an institution accredited by the Accrediting Commission~~
32 ~~for Senior Colleges and Universities or the Accrediting~~
33 ~~Commission for Community and Junior Colleges of the Western~~
34 ~~Association of Schools and Colleges and that is one of the~~
35 ~~following:~~

36 (A) ~~A public institution.~~

37 (B) ~~An institution incorporated and lawfully operating as a~~
38 ~~nonprofit public benefit corporation pursuant to Part 2~~
39 ~~(commencing with Section 5110) of Division 2 of Title 1 of the~~
40 ~~Corporations Code, and that is not managed by any entity for profit.~~

1 ~~(C) A for-profit institution.~~

2 ~~(D) An institution that does not meet all of the criteria in~~
3 ~~subparagraph (B) that is incorporated and lawfully operating as a~~
4 ~~nonprofit public benefit corporation pursuant to Part 2~~
5 ~~(commencing with Section 5110) of Division 2 of Title 1 of the~~
6 ~~Corporations Code, that has been in continuous operation since~~
7 ~~April 15, 1997, and that is not managed by any entity for profit.~~

8 ~~(4) Is a college or university of the state higher education system;~~
9 ~~as defined in Section 100850 of the Education Code.~~

10 ~~(5) Is a school of equal or greater training that is recognized by~~
11 ~~the corresponding agency in another state or accredited by an~~
12 ~~agency recognized by the United States Department of Education.~~

13 ~~(b) “Compensation” means the payment, loan, advance,~~
14 ~~donation, contribution, deposit, or gift of money or anything of~~
15 ~~value.~~

16 ~~(c) “Massage therapist,” “bodyworker,” “bodywork therapist,”~~
17 ~~or “massage and bodywork therapist” means a person who is~~
18 ~~certified by the California Massage Therapy Council under~~
19 ~~subdivision (c) of Section 4601 and who administers massage for~~
20 ~~compensation.~~

21 ~~(d) “Massage practitioner,” “bodywork practitioner,” or~~
22 ~~“massage and bodywork practitioner” means a person who is~~
23 ~~certified by the California Massage Therapy Council under~~
24 ~~subdivision (b) of Section 4601 and who administers massage for~~
25 ~~compensation.~~

26 ~~(e) “Council” means the California Massage Therapy Council~~
27 ~~created pursuant to this chapter, which shall be a nonprofit~~
28 ~~organization exempt from taxation under Section 501(c)(3) of Title~~
29 ~~26 of the United States Code. The council may commence activities~~
30 ~~as authorized by this section once it has submitted a request to the~~
31 ~~Internal Revenue Service seeking this exemption. Whenever the~~
32 ~~term “organization” is used in this chapter, it shall mean the~~
33 ~~council, except where the context indicates otherwise.~~

34 ~~(f) “Registered school” means a school approved by the council~~
35 ~~that meets minimum standards for training and curriculum in~~
36 ~~massage and related subjects and that either is approved by the~~
37 ~~Bureau for Private Postsecondary Education or the Department of~~
38 ~~Consumer Affairs, or is an institution accredited by the senior~~
39 ~~commission or the junior commission of the Western Association~~
40 ~~of Schools and Colleges as defined in paragraph (3) of subdivision~~

1 ~~(a), is a college or university of the state higher education system~~
2 ~~as defined in Section 100850 of the Education Code, or is a school~~
3 ~~of equal or greater training that is approved by the corresponding~~
4 ~~agency in another state.~~

5 ~~(g) For purposes of this chapter, the terms “massage” and~~
6 ~~“bodywork” shall have the same meaning.~~

7 ~~(h) “Operator of a massage business” means a person, whether~~
8 ~~owner or nonowner, who manages or operates a massage business.~~

9 ~~SEC. 7. Section 4601 of the Business and Professions Code is~~
10 ~~amended to read:~~

11 ~~4601. (a) The council shall issue a certificate under this chapter~~
12 ~~to an applicant who satisfies the requirements of this chapter.~~

13 ~~(b) (1) In order to obtain certification as a massage practitioner,~~
14 ~~an applicant shall submit a written application and provide the~~
15 ~~council with satisfactory evidence that he or she meets all of the~~
16 ~~following requirements:~~

17 ~~(A) The applicant is 18 years of age or older.~~

18 ~~(B) The applicant has successfully completed, at a single~~
19 ~~approved school, curricula in massage and related subjects, totaling~~
20 ~~a minimum of 250 hours or the credit unit equivalent, that~~
21 ~~incorporates appropriate school assessment of student knowledge~~
22 ~~and skills. Included in the hours shall be instruction addressing~~
23 ~~anatomy and physiology, contraindications, health and hygiene,~~
24 ~~and business and ethics, with at least 100 hours of the required~~
25 ~~minimum 250 hours devoted to these curriculum areas.~~

26 ~~(C) All fees required by the council have been paid.~~

27 ~~(2) New certificates shall not be issued pursuant to this~~
28 ~~subdivision after December 31, 2015. Certificates issued pursuant~~
29 ~~to this section or subdivision (a) or (c) of Section 4604 on or before~~
30 ~~December 31, 2015, shall, after December 31, 2015, be renewed~~
31 ~~without any additional educational requirements, provided that the~~
32 ~~certificate holder continues to be qualified pursuant to this chapter.~~

33 ~~(c) In order to obtain certification as a massage therapist, an~~
34 ~~applicant shall submit a written application and provide the council~~
35 ~~with satisfactory evidence that he or she meets all of the following~~
36 ~~requirements:~~

37 ~~(1) The applicant is 18 years of age or older.~~

38 ~~(2) The applicant satisfies at least one of the following~~
39 ~~requirements:~~

1 ~~(A) He or she has successfully completed the curricula in~~
2 ~~massage and related subjects totaling a minimum of 500 hours or~~
3 ~~the credit unit equivalent. Of this 500 hours, a minimum of 250~~
4 ~~hours shall be from approved schools. The remaining 250 hours~~
5 ~~required may be secured either from approved or registered schools,~~
6 ~~or from continuing education providers approved by, or registered~~
7 ~~with, the council or the Department of Consumer Affairs. After~~
8 ~~December 31, 2015, applicants may only satisfy the curricula in~~
9 ~~massage and related subjects from approved schools.~~

10 ~~(B) The applicant has done both of the following:~~

11 ~~(i) Successfully completed, at a single approved school, curricula~~
12 ~~in massage and related subjects totaling a minimum of 250 hours~~
13 ~~that incorporates appropriate school assessment of student~~
14 ~~knowledge and skills. Included in the hours shall be instruction~~
15 ~~addressing anatomy and physiology, contraindications, health and~~
16 ~~hygiene, and business and ethics, with at least 100 hours of the~~
17 ~~required minimum 250 hours devoted to these curriculum areas.~~

18 ~~(ii) Passed a massage and bodywork competency assessment~~
19 ~~examination that meets generally recognized psychometric~~
20 ~~principles and standards, and that is approved by the board. The~~
21 ~~successful completion of this examination may have been~~
22 ~~accomplished before the date the council is authorized by this~~
23 ~~chapter to begin issuing certificates.~~

24 ~~(3) All fees required by the council have been paid.~~

25 ~~(d) The council shall issue a certificate to an applicant who~~
26 ~~meets the other qualifications of this chapter and holds a current~~
27 ~~and valid registration, certification, or license from any other state~~
28 ~~whose licensure requirements meet or exceed those defined within~~
29 ~~this chapter. The council shall have discretion to give credit for~~
30 ~~comparable academic work completed by an applicant in a program~~
31 ~~outside of California.~~

32 ~~(e) An applicant applying for a massage therapist certificate~~
33 ~~shall file with the council a written application provided by the~~
34 ~~council, showing to the satisfaction of the council that he or she~~
35 ~~meets all of the requirements of this chapter.~~

36 ~~(f) Any certification issued under this chapter shall be subject~~
37 ~~to renewal every two years in a manner prescribed by the council,~~
38 ~~and shall expire unless renewed in that manner. The council may~~
39 ~~provide for the late renewal of a license.~~

~~(g) (1) The council shall have the responsibility to determine that the school or schools from which an applicant has obtained the education required by this chapter meet the requirements of this chapter. If the council has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools that the applicant is claiming, the council shall investigate the facts to determine that the applicant received the required education prior to issuing a certificate.~~

~~(2) For purposes of paragraph (1) and any other provision of this chapter for which the council is authorized to receive factual information as a condition of taking any action, the council shall have the authority to conduct oral interviews of the applicant and others or to make any investigation deemed necessary to establish that the information received is accurate and satisfies any criteria established by this chapter.~~

~~(h) The certificate issued pursuant to this chapter, as well as any identification card issued by the council, shall be surrendered to the council by any certificate holder whose certificate has been suspended or revoked.~~

~~SEC. 8.— Section 4602 of the Business and Professions Code is amended to read:~~

~~4602. (a) The council may discipline a certificate holder by any, or a combination, of the following methods:~~

~~(1) Placing the certificate holder on probation.~~

~~(2) Suspending the certificate and the rights conferred by this chapter on a certificate holder for a period not to exceed one year.~~

~~(3) Revoking the certificate.~~

~~(4) Suspending or staying the disciplinary order, or portions of it, with or without conditions.~~

~~(5) Taking other action as the council, as authorized by this chapter or its bylaws, deems proper.~~

~~(b) The council may issue an initial certificate on probation, with specific terms and conditions, to any applicant.~~

~~(c) (1) Notwithstanding any other provision of law, if the council receives notice that a certificate holder has been arrested and charges have been filed by the appropriate prosecuting agency against the certificate holder alleging a violation of subdivision (b) of Section 647 of the Penal Code or any other offense described in subdivision (h) of Section 4603, the council shall take all of the following actions:~~

1 (A) Immediately suspend, on an interim basis, the certificate of
2 that certificate holder.

3 (B) Notify the certificate holder within 10 days at the address
4 last filed with the council that the certificate has been suspended;
5 and the reason for the suspension.

6 (C) Notify any business within 10 days that the council has in
7 its records as employing the certificate holder that the certificate
8 has been suspended.

9 (2) Upon notice to the council that the charges described in
10 paragraph (1) have resulted in a conviction, the suspended
11 certificate shall become subject to permanent revocation. The
12 council shall provide notice to the certificate holder within 10 days
13 that it has evidence of a valid record of conviction and that the
14 certificate will be revoked unless the certificate holder provides
15 evidence within 15 days that the conviction is either invalid or that
16 the information is otherwise erroneous.

17 (3) Upon notice that the charges have resulted in an acquittal,
18 or have otherwise been dismissed prior to conviction, the certificate
19 shall be immediately reinstated and the certificate holder and any
20 business that received notice pursuant to subparagraph (C) of
21 paragraph (1) shall be notified of the reinstatement within 10 days.

22 (d) Notwithstanding any other provision of law, if the council
23 receives clear and convincing evidence that a certificate holder
24 has committed an act punishable as a sexually related crime or a
25 felony, the council may immediately suspend the certificate of that
26 certificate holder. A decision to immediately suspend a certificate
27 pursuant to this subdivision shall be based on clear and convincing
28 evidence and the council shall also consider any available credible
29 mitigating evidence before making a decision to suspend a
30 certificate. Written statements by any person shall not be
31 considered by the council when determining whether to
32 immediately suspend a certificate unless made under penalty of
33 perjury. If the council suspends the certificate of a certificate holder
34 in accordance with this subdivision, the council shall take all of
35 the following additional actions:

36 (1) Notify the certificate holder, at the address last filed with
37 the council, within 10 business days by a method providing
38 delivery confirmation, that the certificate has been suspended, the
39 reason for the suspension, and that the certificate holder has the
40 right to request a hearing pursuant to paragraph (3).

1 ~~(2) Notify by electronic mail or any other means consistent with~~
2 ~~the notice requirements of this chapter, within 10 business days,~~
3 ~~any business that the council has in its records as employing or~~
4 ~~contracting with the certificate holder for massage services, and~~
5 ~~the California city or county permitting authority that has~~
6 ~~jurisdiction over any business that the council has in its records as~~
7 ~~employing or contracting with the certificate holder, that the~~
8 ~~certificate has been suspended.~~

9 ~~(3) A certificate holder whose certificate is suspended pursuant~~
10 ~~to this subdivision shall have the right to request, in writing, a~~
11 ~~hearing to challenge the factual basis for the suspension. If the~~
12 ~~holder of the suspended certificate requests a hearing on the~~
13 ~~suspension, the hearing shall be held within 30 days after receipt~~
14 ~~of the request. A holder whose certificate is suspended based on~~
15 ~~paragraph (1) shall be subject to revocation or other discipline in~~
16 ~~accordance with subdivision (a) of Section 4602.~~

17 ~~SEC. 9. Section 4602.5 of the Business and Professions Code~~
18 ~~is amended to read:~~

19 ~~4602.5. (a) Upon the request of any law enforcement agency~~
20 ~~or any other representative of a local government agency with~~
21 ~~responsibility for regulating, or administering a local ordinance~~
22 ~~relating to, massage or massage businesses, the council shall~~
23 ~~provide information concerning a certificate holder, including, but~~
24 ~~not limited to, the current status of the certificate, any history of~~
25 ~~disciplinary actions taken against the certificate holder, the home~~
26 ~~and work addresses of the certificate holder, and any other~~
27 ~~information in the council's possession that is necessary to verify~~
28 ~~facts relevant to administering the local ordinance.~~

29 ~~(b) Upon the request of the council to any law enforcement~~
30 ~~agency or any other representative of a local government agency~~
31 ~~with responsibility for regulating or administering a local ordinance~~
32 ~~relating to massage or massage businesses, the law enforcement~~
33 ~~agency or local government agency is authorized to provide~~
34 ~~information to the council concerning a certificate applicant or~~
35 ~~certificate holder, including, but not limited to, the current status~~
36 ~~of any application or local permit; any history of disciplinary action~~
37 ~~taken against the certificate applicant or certificate holder; any~~
38 ~~information related to criminal activity or unprofessional conduct~~
39 ~~allegedly engaged in by a certificate applicant or certificate holder,~~
40 ~~including, but not limited to, police reports and declarations of~~

1 conduct; the home and work addresses of the certificate applicant
2 or certificate holder; and any other information in the law
3 enforcement agency's or other local government agency's
4 possession that is necessary to verify facts or implement the
5 provisions of this chapter.

6 (e) ~~The council shall accept information provided by any law~~
7 ~~enforcement agency or any other representative of a local~~
8 ~~government agency with responsibility for regulating, or~~
9 ~~administering a local ordinance relating to, massage or massage~~
10 ~~businesses. The council shall have the responsibility to review any~~
11 ~~information received and to take any actions authorized by this~~
12 ~~chapter that are warranted by that information.~~

13 SEC. 10. ~~Section 4603 of the Business and Professions Code~~
14 ~~is amended to read:~~

15 4603. ~~It is a violation of this chapter for a certificate holder to~~
16 ~~commit, and the council may deny an application for a certificate~~
17 ~~or discipline a certificate holder for, any of the following:~~

18 (a) ~~Unprofessional conduct, including, but not limited to, denial~~
19 ~~of licensure, revocation, suspension, restriction, or any other~~
20 ~~disciplinary action against a certificate holder by another state or~~
21 ~~territory of the United States, by any other government agency, or~~
22 ~~by another California health care professional licensing board. A~~
23 ~~certified copy of the decision, order, or judgment shall be~~
24 ~~conclusive evidence of these actions.~~

25 (b) ~~Procuring a certificate by fraud, misrepresentation, or~~
26 ~~mistake.~~

27 (c) ~~Violating or attempting to violate, directly or indirectly, or~~
28 ~~assisting in or abetting the violation of, or conspiring to violate,~~
29 ~~any provision or term of this chapter or any rule or bylaw adopted~~
30 ~~by the council.~~

31 (d) ~~Conviction of any felony, misdemeanor, infraction, or~~
32 ~~municipal code violation, or liability in an administrative or civil~~
33 ~~action, that is substantially related to the qualifications, functions,~~
34 ~~or duties of a certificate holder, in which event the record of the~~
35 ~~conviction or other judgment shall be conclusive evidence of the~~
36 ~~crime or liability.~~

37 (e) ~~Impersonating an applicant or acting as a proxy for an~~
38 ~~applicant in any examination referred to under this chapter for the~~
39 ~~issuance of a certificate.~~

1 ~~(f) Impersonating a certified practitioner or therapist, or~~
2 ~~permitting or allowing an uncertified person to use a certificate.~~

3 ~~(g) Committing any fraudulent, dishonest, or corrupt act that is~~
4 ~~substantially related to the qualifications or duties of a certificate~~
5 ~~holder.~~

6 ~~(h) Committing any act punishable as a sexually related crime.~~

7 ~~SEC. 11. Section 4603.7 of the Business and Professions Code~~
8 ~~is amended to read:~~

9 ~~4603.7. A certificate holder shall include the name under which~~
10 ~~he or she is certified and his or her certificate number in any and~~
11 ~~all advertising and shall display his or her original certificate at~~
12 ~~his or her place of business. A certificate holder shall have his or~~
13 ~~her identification card in his or her possession while providing~~
14 ~~massage services.~~

15 ~~SEC. 12. Section 4603.8 is added to the Business and~~
16 ~~Professions Code, to read:~~

17 ~~4603.8. A certificate holder shall, upon request at the location~~
18 ~~where he or she is providing massage services, provide his or her~~
19 ~~full name and certificate number to a member of the public, the~~
20 ~~council, or a member of law enforcement or a local government~~
21 ~~agency charged with regulating massage.~~

22 ~~SEC. 13. Section 4612 of the Business and Professions Code~~
23 ~~is amended to read:~~

24 ~~4612. (a) (1) The holder of a certificate issued pursuant to~~
25 ~~this chapter shall have the right to practice massage, consistent~~
26 ~~with this chapter and the qualifications established by his or her~~
27 ~~certification, in any city, county, or city and county in this state~~
28 ~~and shall not be required to obtain any other license, permit, or~~
29 ~~other authorization, except as provided in this section, to engage~~
30 ~~in that practice.~~

31 ~~(2) Notwithstanding any other provision of law, a city, county,~~
32 ~~or city and county shall not enact an ordinance that requires a~~
33 ~~license, permit, or other authorization to provide massage for~~
34 ~~compensation by an individual who is certified pursuant to this~~
35 ~~chapter and who is practicing consistent with the qualifications~~
36 ~~established by his or her certification, or by a massage business~~
37 ~~or massage establishment that employs or uses only persons who~~
38 ~~are certified pursuant to this chapter to provide massage for~~
39 ~~compensation. No provision of any ordinance enacted by a city,~~
40 ~~county, or city and county that is in effect before the effective date~~

1 of this chapter, and that requires a license, permit, or other
2 authorization to provide massage for compensation, may be
3 enforced against an individual who is certified pursuant to this
4 chapter or against a massage business or massage establishment
5 that employs or uses only persons who are certified pursuant to
6 this chapter to provide massage for compensation.

7 (3) Except as provided in subdivision (b), nothing in this section
8 shall be interpreted to prevent a city, county, or city and county
9 from adopting or enforcing any local ordinance that provides for
10 reasonable health and safety requirements for massage
11 establishments or businesses. Subdivision (b) shall not apply to
12 any massage establishment or business that employs or uses
13 persons to provide massage services who are not certified pursuant
14 to this chapter.

15 (b) (1) This subdivision shall apply only to massage
16 establishments or businesses that are sole proprietorships, where
17 the sole proprietor is certified pursuant to this chapter, and to
18 massage establishments or businesses that employ or use only
19 persons certified pursuant to this chapter to provide massage
20 services. For purposes of this subdivision, a sole proprietorship is
21 a business where the owner is the only person employed by that
22 business to provide massage services.

23 (2) (A) Any massage establishment or business described in
24 paragraph (1) shall maintain on its premises evidence for review
25 by local authorities that demonstrates that all persons providing
26 massage services are certified.

27 (B) Nothing in this section shall preclude a city, county, or city
28 and county from including in a local ordinance a provision that
29 requires a business described in paragraph (1) to file copies or
30 provide other evidence of the certificates held by the persons who
31 are providing massage services at the business.

32 (3) A city, county, or city and county may charge a massage
33 business or establishment a business licensing fee, provided that
34 the fee shall be no higher than the lowest fee that is applied to
35 other individuals and businesses providing professional services,
36 as defined in subdivision (a) of Section 13401 of the Corporations
37 Code.

38 (4) Nothing in this section shall prohibit a city, county, or city
39 and county from enacting ordinances, regulations, rules,
40 requirements, restrictions, land use regulations, moratoria,

1 conditional use permits, or zoning requirements applicable to an
2 individual certified pursuant to this chapter or to a massage
3 establishment or business that uses only individuals who are
4 certified pursuant to this chapter to provide massage for
5 compensation, provided that, unless otherwise exempted by this
6 chapter, these ordinances, regulations, rules, requirements,
7 restrictions, land use regulations, moratoria, conditional use
8 permits, and zoning requirements shall be no different than the
9 requirements that are uniformly applied to all other individuals
10 and businesses providing professional services, as defined in
11 subdivision (a) of Section 13401 of the Corporations Code. No
12 provision of any ordinance, regulation, rule, requirement,
13 restriction, land use regulation, moratoria, conditional use permit,
14 or zoning requirement enacted by a city, county, or city and county
15 that is in effect before the effective date of this chapter, and that
16 is inconsistent with this paragraph, may be enforced against an
17 individual who is certified pursuant to this chapter or against a
18 massage business or massage establishment that uses only
19 individuals who are certified pursuant to this chapter to provide
20 massage for compensation.

21 (5) Local building code or physical facility requirements
22 applicable to massage establishments or businesses shall not require
23 additional restroom, shower, or other facilities that are not
24 uniformly applicable to other professional or personal service
25 businesses, nor shall building or facility requirements be adopted
26 that (A) require unlocked doors when there is no staff available to
27 ensure security for clients and massage staff who are behind closed
28 doors, or (B) require windows that provide a view into massage
29 rooms that interfere with the privacy of clients of the massage
30 business.

31 (6) A city, county, or city and county may adopt reasonable
32 health and safety requirements with respect to massage
33 establishments or businesses, including, but not limited to,
34 requirements for cleanliness of massage rooms, towels and linens,
35 and reasonable attire and personal hygiene requirements for persons
36 providing massage services, provided that nothing in this paragraph
37 shall be interpreted to authorize adoption of local ordinances that
38 impose additional qualifications, such as medical examinations,
39 background checks, or other criteria, upon any person certified
40 pursuant to this chapter.

~~(7) Nothing in this section shall preclude a city, county, or city and county from doing any of the following:~~

~~(A) Requiring an applicant for a business license to operate a massage business or establishment to fill out an application that requests the applicant to provide relevant information, as long as the information requested is the same as that required of other individuals and professionals providing professional services as defined in subdivision (a) of Section 13401 of the Corporations Code.~~

~~(B) Making reasonable investigations into the information so provided.~~

~~(C) Denying or restricting a business license if the applicant has provided materially false information.~~

~~(c) An owner or operator of a massage business or establishment who is certified pursuant to this chapter shall be responsible for the conduct of all employees or independent contractors working on the premises of the business. Failure to comply with this chapter may result in revocation of the owner's or operator's certificate in accordance with Section 4603. Nothing in this section shall preclude a local ordinance from authorizing suspension, revocation, or other restriction of a license or permit issued to a massage establishment or business if violations of this chapter, or of the local ordinance, occur on the business premises.~~

~~(d) Nothing in this section shall preclude a city, county, or city and county from adopting a local ordinance that is applicable to massage businesses or establishments described in paragraph (1) of subdivision (b) and that does either of the following:~~

~~(1) Provides that duly authorized officials of the city, county, or city and county have the right to conduct reasonable inspections, during regular business hours, to ensure compliance with this chapter, the local ordinance, or other applicable fire and health and safety requirements.~~

~~(2) Requires an owner or operator to notify the city, county, or city and county of any intention to rename, change management, or convey the business to another person.~~

~~(e) Nothing in this chapter shall be construed to preclude a city, county, or city and county from requiring a background check of an owner or operator of a massage establishment who owns 5 percent or more of a massage business or massage establishment and who is not certified pursuant to this chapter. The background~~

1 ~~check may include, but is not limited to, a criminal background~~
2 ~~check, including requiring submission of fingerprints for a state~~
3 ~~and federal criminal background check, submission of an~~
4 ~~application that requires the applicant to state information,~~
5 ~~including, but not limited to, the applicant's business, occupation,~~
6 ~~and employment history for the 10 years preceding the date of~~
7 ~~application, the inclusive dates of same, and the name and address~~
8 ~~of any massage business or other like establishment owned or~~
9 ~~operated by any person who is subject to the background check~~
10 ~~requirement of this subdivision. If a noncertified owner's or~~
11 ~~operator's background check results in a finding that the city,~~
12 ~~county, or city and county determines is relevant to owning or~~
13 ~~operating a massage establishment, then the provisions of~~
14 ~~subdivision (a) and (b) shall not apply to that establishment and~~
15 ~~the city, county, or city and county may regulate that establishment~~
16 ~~in any manner it deems proper that is in accordance with the law.~~

17 SEC. 14. ~~Section 4613 of the Business and Professions Code~~
18 ~~is amended to read:~~

19 ~~4613. (a) Nothing in this chapter shall restrict or limit in any~~
20 ~~way the authority of a city, county, or city and county to adopt a~~
21 ~~local ordinance governing any person who is not certified pursuant~~
22 ~~to this chapter.~~

23 ~~(b) Nothing in this chapter is intended to affect the practice~~
24 ~~rights of any person licensed by the state to practice or perform~~
25 ~~any functions or services pursuant to that license.~~

26 ~~(c) Nothing in this chapter shall be construed to restrict or limit~~
27 ~~in any way the authority of a city, county, or city and county to~~
28 ~~adopt a local ordinance restricting the opening of a new massage~~
29 ~~establishment in a location in which a massage establishment has~~
30 ~~been closed due to criminal activity.~~

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Kehoe	BILL NUMBER:	SB 623
SPONSOR:	American Civil Liberties Union; Planned Parenthood Affiliates of California	BILL STATUS:	Assembly, 3 rd Reading
SUBJECT:	Public health: health workforce projects	DATE LAST AMENDED:	8/7/12

SUMMARY:

Under existing law, the Office of Statewide Health Planning and Development (OSHPD) approves, establishes minimum guidelines for, and performs onsite visitations for specified types of evaluation of health workforce projects. Existing law also requires the office to collect and make public the data an approved project generates. Existing law prohibits the office from approving a project for beyond a specified period unless a specified determination is made.

The Advancing New Standards in Reproductive Health (ANSIRH) program at the UC San Francisco (UCSF) Bixby Center for Global Reproductive Health sponsored the Access through Primary Care Project, Health Workforce Pilot Project (HWPP) No. 171, beginning in March 31, 2007, to evaluate the safety, effectiveness, and acceptability of NPs, CNMs, and PAs in providing first-trimester aspiration abortion. HWPP No. 171 is currently approved through September 2012.

ANALYSIS:

This bill would require OSHPD to extend the duration of pilot project HWPP No. 171 through January 1, 2014. The project involves training mid-level health care practitioners to perform aspiration abortions, and the extension would allow time to evaluate and publish the results of the pilot program in a peer-reviewed journal, among other specified purposes.

Amended analysis of 8/7/12:

This bill amendment would state that it is the intent of the Legislature that HWPP No. 171 continue without interruption.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

ACCESS Women's Health Justice
ACT for Women and Girls
American Nurses Association/California

California Association for Nurse Practitioners
California Medical Association
California Nurse-Midwives Association
NARAL Pro-Choice California
Planned Parenthood Advocacy Project Los Angeles County
Planned Parenthood Mar Monte
SEIU California
Six Rivers Planned Parenthood

OPPOSE:

California Catholic Conference, Inc.
California Right to Life Committee, Inc.
Life Priority Network
Traditional Values Coalition
Two Individuals

AMENDED IN ASSEMBLY AUGUST 7, 2012

AMENDED IN ASSEMBLY JUNE 21, 2012

AMENDED IN ASSEMBLY JUNE 21, 2011

AMENDED IN SENATE APRIL 25, 2011

SENATE BILL

No. 623

Introduced by Senator Kehoe

(Coauthor: Assembly Member Atkins)

February 18, 2011

An act to add and repeal Sections 128196 and 128197 of the Health and Safety Code, relating to public ~~health: abortions:~~ *health*.

LEGISLATIVE COUNSEL'S DIGEST

SB 623, as amended, Kehoe. Public ~~health: health workforce-projects:~~ *health: projects.*

Under existing law, the Office of Statewide Health Planning and Development approves, establishes minimum guidelines for, and performs onsite visitations for specified types of evaluation of health workforce projects. Existing law also requires the office to collect and make public the data an approved project generates. Existing law prohibits the office from approving a project for beyond a specified period unless a specified determination is made.

This bill would require the office to extend the duration of Health Workforce Pilot Project No. 171 through January 1, 2014, ~~to, among other specified reasons,~~ *to* provide the sponsors of the project an opportunity to achieve publication of the data collected during the project in a peer-reviewed journal, *among other specified purposes*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 128196 is added to the Health and Safety Code, to read:

128196. The Legislature finds and declares all of the following:

(a) The Access through Primary Care Project, known as Health Workforce Pilot Project (HWPP) No. 171, was approved in 2007 to teach new skills to nurse practitioners, certified nurse-midwives, and physician assistants, and to evaluate the safety and efficacy of allowing nurse practitioners, certified nurse-midwives, and physician assistants to use these new skills to perform first trimester aspiration abortions.

(b) The study investigators from the University of California find, from the data submitted to the office that trainees of the project have achieved competency and safely perform first trimester aspiration abortions using the new skills acquired in HWPP No. 171. The study investigators intend to undergo additional peer review of the data by submitting the results for publication in a nationally recognized, peer-reviewed journal.

(c) It is necessary to extend HWPP No. 171 to maintain the competencies of clinicians trained to date and to authorize continued training of new clinicians while the larger peer review process is conducted, and because HWPP No. 171 is likely to increase the availability of safe, early abortion care that is limited in many areas of California.

(d) It is the intent of the Legislature that HWPP No. 171 continue without interruption.

~~(d)~~

(e) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 2. Section 128197 is added to the Health and Safety Code, to read:

128197. (a) Notwithstanding Section 128180, the office shall extend the duration of the health workforce project regarding clinicians known as Health Workforce Pilot Project No. 171 until January 1, 2014, in order to provide the sponsors an opportunity to achieve publication of the data in a peer-reviewed journal, to maintain the competence of the clinicians trained during the course of the project, and to authorize training of additional clinicians in

1 first trimester aspiration technique, as outlined in the project
2 application, as amended. The project shall continue to satisfy the
3 requirements of the office.

4 (b) This section shall remain in effect only until January 1, 2014,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2014, deletes or extends that date.

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**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Negrete-McLeod	BILL NUMBER:	SB 1365
SPONSOR:	California Association of Air Medical Services	BILL STATUS:	Chapter 69 Statutes of 2012
SUBJECT:	Emergency medical services: immunity.	DATE LAST AMENDED:	4/30/12

SUMMARY:

Existing law limits the civil liability of a licensed nurse who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of that person's employment, as specified.

Existing law also limits the civil liability of firefighters, police officers or other law enforcement officers, and emergency medical technicians who render emergency medical services at the scene of an emergency, as specified.

ANALYSIS:

This bill would extend the above-described liability limit applicable to firefighters, police officers or other law enforcement officers, and emergency medical technicians to emergency medical services rendered during air or ground ambulance transport, and emergency medical services rendered by a registered nurse at the scene of an emergency or during air or ground ambulance transport.

Amended analysis of 4/30/12:

This bill amendment would extend the liability limit to emergency medical services rendered during an emergency air or ground ambulance transport, and emergency medical services rendered by a registered nurse, as defined, at the scene of an emergency or during an emergency air or ground ambulance transport. "Registered nurse" means a registered nurse trained in emergency medical services and licensed pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

LA County District Attorney
California College of Emergency Physicians

California Hospital Association
Civil Justice Association of California
Emergency Nurses Association

OPPOSE:

None on file.

Senate Bill No. 1365

CHAPTER 69

An act to amend Section 1799.106 of the Health and Safety Code, relating to emergency medical services.

[Approved by Governor July 10, 2012. Filed with
Secretary of State July 10, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1365, Negrete McLeod. Emergency medical services: immunity.

Existing law limits the civil liability of a licensed nurse who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of that person's employment, as specified.

Existing law also limits the civil liability of firefighters, police officers or other law enforcement officers, and emergency medical technicians who render emergency medical services at the scene of an emergency, as specified.

This bill would extend the above-described liability limit applicable to firefighters, police officers or other law enforcement officers, and emergency medical technicians to emergency medical services rendered during an emergency air or ground ambulance transport, and emergency medical services rendered by a registered nurse, as defined, at the scene of an emergency or during an emergency air or ground ambulance transport.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares both of the following:

(a) Since the original enactment of Section 1799.106 of the Health and Safety Code, registered nurses have become more directly involved in the provision of emergency medical services, as crew members in both air and ground ambulances.

(b) Registered nurses should be encouraged to provide emergency medical services in air and ground ambulances in the same way as firefighters, law enforcement, and EMT-Is and EMT-Ps.

SEC. 2. Section 1799.106 of the Health and Safety Code is amended to read:

1799.106. (a) In addition to the provisions of Section 1799.104 of this code, Section 2727.5 of the Business and Professions Code, and Section 1714.2 of the Civil Code, and in order to encourage the provision of emergency medical services by firefighters, police officers or other law enforcement officers, EMT-I, EMT-II, EMT-P, or registered nurses, a firefighter, police officer or other law enforcement officer, EMT-I, EMT-II,

EMT-P, or registered nurse who renders emergency medical services at the scene of an emergency or during an emergency air or ground ambulance transport shall only be liable in civil damages for acts or omissions performed in a grossly negligent manner or acts or omissions not performed in good faith. A public agency employing such a firefighter, police officer or other law enforcement officer, EMT-I, EMT-II, EMT-P, or registered nurse shall not be liable for civil damages if the firefighter, police officer or other law enforcement officer, EMT-I, EMT-II, EMT-P, or registered nurse is not liable.

(b) For purposes of this section, “registered nurse” means a registered nurse trained in emergency medical services and licensed pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code.

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
August 29, 2012**

BILL ANALYSIS

AUTHOR:	Hernandez, E.	BILL NUMBER:	SB 1524
SPONSOR:	Hernandez, E.	BILL STATUS:	Senate
SUBJECT:	Nursing	DATE LAST AMENDED:	6/28/12

SUMMARY:

Existing law, the Nursing Practice Act, provides for licensing and regulation of nurse practitioners. Existing law authorizes a nurse practitioner to furnish or order drugs or devices under specified circumstances subject to physician and surgeon supervision, including, among other things, when a nurse practitioner has completed specified supervised experience of at least 6 months' duration and a course in pharmacology.

ANALYSIS:

This bill would delete the requirement for supervised experience and a pharmacology course.

Amended analysis of 3/28/12:

This bill amendment would include nurse-midwives. This bill amendment also deletes the requirement for supervised experience, and retains the requirement for the course in pharmacology.

Amended analysis of 6/6/12:

This bill amendment would delete the requirement for at least 6 months' duration of supervised experience. The bill would specify that, with respect to nurse practitioners, a physician and surgeon may determine the extent of the supervision in connection with the furnishing or ordering of drugs and devices.

Amended analysis of 6/28/12:

This bill amendment would delete the requirement for at least 6 months' duration of supervised experience. The bill would authorize a physician and surgeon to determine the extent of the supervision in connection with the furnishing or ordering of drugs and devices by a nurse practitioner or nurse-midwife.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

California Association for Nurse Practitioners

California Nurse-Midwives Association
Planned Parenthood of the Pacific Southwest
United Nurses Associations of California/Union of Health Care Professionals

OPPOSE:

California Academy of Family Physicians
California Chapter of the American College of Cardiology

AMENDED IN ASSEMBLY JUNE 28, 2012

AMENDED IN ASSEMBLY JUNE 6, 2012

AMENDED IN SENATE MARCH 28, 2012

SENATE BILL

No. 1524

Introduced by Senator Hernandez

February 24, 2012

An act to amend Sections 2746.51 and 2836.1 of the Business and Professions Code, relating to nursing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1524, as amended, Hernandez. Nursing.

Existing law, the Nursing Practice Act, provides for the ~~licensing~~ *licensure* and regulation of ~~nurse practitioners, and the certification and regulation of nurse-midwives.~~ *the practice of nursing by the Board of Registered Nursing*. Existing law authorizes a nurse practitioner and a certified nurse-midwife to furnish or order drugs or devices under specified circumstances subject to physician and surgeon supervision, including, among other instances, when a nurse practitioner or certified nurse-midwife has completed specified supervised experience of at least 6 months' duration and a course in pharmacology.

This bill would delete the requirement for at least 6 months' duration of supervised experience. The bill would ~~specify that, with respect to nurse practitioners,~~ *authorize a physician and surgeon may to determine the extent of the supervision in connection with the furnishing or ordering of drugs and devices by a nurse practitioner or certified nurse-midwife.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 2746.51 of the Business and Professions Code is amended to read:

2746.51. (a) Neither this chapter nor any other provision of law shall be construed to prohibit a certified nurse-midwife from furnishing or ordering drugs or devices, including controlled substances classified in Schedule II, III, IV, or V under the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code), when all of the following apply:

(1) The drugs or devices are furnished or ordered incidentally to the provision of any of the following:

(A) Family planning services, as defined in Section 14503 of the Welfare and Institutions Code.

(B) Routine health care or perinatal care, as defined in subdivision (d) of Section 123485 of the Health and Safety Code.

(C) Care rendered, consistent with the certified nurse-midwife's educational preparation or for which clinical competency has been established and maintained, to persons within a facility specified in subdivision (a), (b), (c), (d), (i), or (j) of Section 1206 of the Health and Safety Code, a clinic as specified in Section 1204 of the Health and Safety Code, a general acute care hospital as defined in subdivision (a) of Section 1250 of the Health and Safety Code, a licensed birth center as defined in Section 1204.3 of the Health and Safety Code, or a special hospital specified as a maternity hospital in subdivision (f) of Section 1250 of the Health and Safety Code.

(2) The drugs or devices are furnished or ordered by a certified nurse-midwife in accordance with standardized procedures or protocols. For purposes of this section, standardized procedure means a document, including protocols, developed and approved by the supervising physician and surgeon, the certified nurse-midwife, and the facility administrator or his or her designee. The standardized procedure covering the furnishing or ordering of drugs or devices shall specify all of the following:

(A) Which certified nurse-midwife may furnish or order drugs or devices.

(B) Which drugs or devices may be furnished or ordered and under what circumstances.

1 (C) The extent of physician and surgeon supervision.

2 (D) The method of periodic review of the certified
3 nurse-midwife's competence, including peer review, and review
4 of the provisions of the standardized procedure.

5 (3) If Schedule II or III controlled substances, as defined in
6 Sections 11055 and 11056 of the Health and Safety Code, are
7 furnished or ordered by a certified nurse-midwife, the controlled
8 substances shall be furnished or ordered in accordance with a
9 patient-specific protocol approved by the treating or supervising
10 physician and surgeon. For Schedule II controlled substance
11 protocols, the provision for furnishing the Schedule II controlled
12 substance shall address the diagnosis of the illness, injury, or
13 condition for which the Schedule II controlled substance is to be
14 furnished.

15 (4) The furnishing or ordering of drugs or devices by a certified
16 nurse-midwife occurs under physician and surgeon supervision.
17 For purposes of this section, no physician and surgeon shall
18 supervise more than four certified nurse-midwives at one time.
19 Physician and surgeon supervision shall not be construed to require
20 the physical presence of the physician, but does include all of the
21 following:

22 (A) Collaboration on the development of the standardized
23 procedure or protocol.

24 (B) Approval of the standardized procedure or protocol.

25 (C) Availability by telephonic contact at the time of patient
26 examination by the certified nurse-midwife.

27 (b) (1) The furnishing or ordering of drugs or devices by a
28 certified nurse-midwife is conditional on the issuance by the board
29 of a number to the applicant who has successfully completed the
30 requirements of paragraph (2). The number shall be included on
31 all transmittals of orders for drugs or devices by the certified
32 nurse-midwife. The board shall maintain a list of the certified
33 nurse-midwives that it has certified pursuant to this paragraph and
34 the number it has issued to each one. The board shall make the list
35 available to the California State Board of Pharmacy upon its
36 request. Every certified nurse-midwife who is authorized pursuant
37 to this section to furnish or issue a drug order for a controlled
38 substance shall register with the United States Drug Enforcement
39 Administration.

(2) The board has certified in accordance with paragraph (1) that the certified nurse-midwife has satisfactorily completed a course in pharmacology covering the drugs or devices to be furnished or ordered under this section. The board shall establish the requirements for satisfactory completion of this paragraph.

(3) A physician and surgeon may determine the extent of supervision necessary pursuant to this section in the furnishing or ordering of drugs and devices.

~~(3)~~

(4) A copy of the standardized procedure or protocol relating to the furnishing or ordering of controlled substances by a certified nurse-midwife shall be provided upon request to any licensed pharmacist who is uncertain of the authority of the certified nurse-midwife to perform these functions.

~~(4)~~

(5) Certified nurse-midwives who are certified by the board and hold an active furnishing number, who are currently authorized through standardized procedures or protocols to furnish Schedule II controlled substances, and who are registered with the United States Drug Enforcement Administration shall provide documentation of continuing education specific to the use of Schedule II controlled substances in settings other than a hospital based on standards developed by the board.

(c) Drugs or devices furnished or ordered by a certified nurse-midwife may include Schedule II controlled substances under the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code) under the following conditions:

(1) The drugs and devices are furnished or ordered in accordance with requirements referenced in paragraphs (2) to (4), inclusive, of subdivision (a) and in paragraphs (1) to (3), inclusive, of subdivision (b).

(2) When Schedule II controlled substances, as defined in Section 11055 of the Health and Safety Code, are furnished or ordered by a certified nurse-midwife, the controlled substances shall be furnished or ordered in accordance with a patient-specific protocol approved by the treating or supervising physician and surgeon.

(d) Furnishing of drugs or devices by a certified nurse-midwife means the act of making a pharmaceutical agent or agents available

1 to the patient in strict accordance with a standardized procedure
2 or protocol. Use of the term “furnishing” in this section shall
3 include the following:

4 (1) The ordering of a drug or device in accordance with the
5 standardized procedure or protocol.

6 (2) Transmitting an order of a supervising physician and
7 surgeon.

8 (e) “Drug order” or “order” for purposes of this section means
9 an order for medication or for a drug or device that is dispensed
10 to or for an ultimate user, issued by a certified nurse-midwife as
11 an individual practitioner, within the meaning of Section 1306.03
12 of Title 21 of the Code of Federal Regulations. Notwithstanding
13 any other provision of law, (1) a drug order issued pursuant to this
14 section shall be treated in the same manner as a prescription of the
15 supervising physician; (2) all references to “prescription” in this
16 code and the Health and Safety Code shall include drug orders
17 issued by certified nurse-midwives; and (3) the signature of a
18 certified nurse-midwife on a drug order issued in accordance with
19 this section shall be deemed to be the signature of a prescriber for
20 purposes of this code and the Health and Safety Code.

21 SEC. 2. Section 2836.1 of the Business and Professions Code
22 is amended to read:

23 2836.1. Neither this chapter nor any other provision of law
24 shall be construed to prohibit a nurse practitioner from furnishing
25 or ordering drugs or devices when all of the following apply:

26 (a) The drugs or devices are furnished or ordered by a nurse
27 practitioner in accordance with standardized procedures or
28 protocols developed by the nurse practitioner and the supervising
29 physician and surgeon when the drugs or devices furnished or
30 ordered are consistent with the practitioner’s educational
31 preparation or for which clinical competency has been established
32 and maintained.

33 (b) The nurse practitioner is functioning pursuant to standardized
34 procedure, as defined by Section 2725, or protocol. The
35 standardized procedure or protocol shall be developed and
36 approved by the supervising physician and surgeon, the nurse
37 practitioner, and the facility administrator or the designee.

38 (c) (1) The standardized procedure or protocol covering the
39 furnishing of drugs or devices shall specify which nurse
40 practitioners may furnish or order drugs or devices, which drugs

1 or devices may be furnished or ordered, under what circumstances,
2 the extent of physician and surgeon supervision, the method of
3 periodic review of the nurse practitioner's competence, including
4 peer review, and review of the provisions of the standardized
5 procedure.

6 (2) In addition to the requirements in paragraph (1), for Schedule
7 II controlled substance protocols, the provision for furnishing
8 Schedule II controlled substances shall address the diagnosis of
9 the illness, injury, or condition for which the Schedule II controlled
10 substance is to be furnished.

11 (d) The furnishing or ordering of drugs or devices by a nurse
12 practitioner occurs under physician and surgeon supervision.
13 Physician and surgeon supervision shall not be construed to require
14 the physical presence of the physician, but does include (1)
15 collaboration on the development of the standardized procedure,
16 (2) approval of the standardized procedure, and (3) availability by
17 telephonic contact at the time of patient examination by the nurse
18 practitioner.

19 (e) For purposes of this section, no physician and surgeon shall
20 supervise more than four nurse practitioners at one time.

21 (f) (1) Drugs or devices furnished or ordered by a nurse
22 practitioner may include Schedule II through Schedule V controlled
23 substances under the California Uniform Controlled Substances
24 Act (Division 10 (commencing with Section 11000) of the Health
25 and Safety Code) and shall be further limited to those drugs agreed
26 upon by the nurse practitioner and physician and surgeon and
27 specified in the standardized procedure.

28 (2) When Schedule II or III controlled substances, as defined
29 in Sections 11055 and 11056, respectively, of the Health and Safety
30 Code, are furnished or ordered by a nurse practitioner, the
31 controlled substances shall be furnished or ordered in accordance
32 with a patient-specific protocol approved by the treating or
33 supervising physician. A copy of the section of the nurse
34 practitioner's standardized procedure relating to controlled
35 substances shall be provided, upon request, to any licensed
36 pharmacist who dispenses drugs or devices, when there is
37 uncertainty about the nurse practitioner furnishing the order.

38 (g) (1) The board has certified in accordance with Section
39 2836.3 that the nurse practitioner has satisfactorily completed a

1 course in pharmacology covering the drugs or devices to be
2 furnished or ordered under this section.

3 (2) A physician and surgeon may determine the extent of
4 supervision necessary pursuant to this section in the furnishing or
5 ordering of drugs and devices.

6 (3) Nurse practitioners who are certified by the board and hold
7 an active furnishing number, who are authorized through
8 standardized procedures or protocols to furnish Schedule II
9 controlled substances, and who are registered with the United
10 States Drug Enforcement Administration, shall complete, as part
11 of their continuing education requirements, a course including
12 Schedule II controlled substances based on the standards developed
13 by the board. The board shall establish the requirements for
14 satisfactory completion of this subdivision.

15 (h) Use of the term “furnishing” in this section, in health
16 facilities defined in Section 1250 of the Health and Safety Code,
17 shall include (1) the ordering of a drug or device in accordance
18 with the standardized procedure and (2) transmitting an order of
19 a supervising physician and surgeon.

20 (i) “Drug order” or “order” for purposes of this section means
21 an order for medication which is dispensed to or for an ultimate
22 user, issued by a nurse practitioner as an individual practitioner,
23 within the meaning of Section 1306.02 of Title 21 of the Code of
24 Federal Regulations. Notwithstanding any other provision of law,
25 (1) a drug order issued pursuant to this section shall be treated in
26 the same manner as a prescription of the supervising physician;
27 (2) all references to “prescription” in this code and the Health and
28 Safety Code shall include drug orders issued by nurse practitioners;
29 and (3) the signature of a nurse practitioner on a drug order issued
30 in accordance with this section shall be deemed to be the signature
31 of a prescriber for purposes of this code and the Health and Safety
32 Code.